

Thursday, 14 May 2026

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hastings District Licensing Committee Meeting

Agenda

Te Rā Hui:
Meeting date: **Thursday, 14 May 2026**

Te Wā:
Time: **9.00am - Woolworths Flaxmere (General distributors Ltd)**

Te Wāhi:
Venue: **Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Team Leader Environmental Health/Liquor - Tony Stothart**

Hastings District Licensing Committee – Terms of Reference

A statutory Committee under the Sale and Supply of Alcohol Act 2012.

Fields of Activity

1. To consider and determine applications for Licences and Manager's Certificates.
2. To consider and determine applications for renewal of Licences and Manager's certificates.
3. To consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136 of the Sale and Supply of Alcohol Act 2012.
4. To consider and determine applications for the variation, suspension, or cancellation of special licences.
5. To consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280 of the Sale and Supply of Alcohol Act 2012.
6. With the leave of the Chair for the Licensing Authority, to refer applications to the Alcohol Regulatory Licensing Authority.
7. To conduct inquiries and to make reports as may be required of it by the Licensing Authority under section 175 of the Sale and Supply of Alcohol Act 2012.
8. Any other functions conferred on licensing committees by or under this Act or any other enactment.

Membership

- Chair appointed by Council.
- Deputy Chair appointed by Council.
- Commissioner appointed by Chief Executive on recommendation of Council
- 2 members selected by the Chair from a list developed and maintained by Council.

Quorum

For uncontested applications only the Chair, Commissioner, or Deputy Chair in the Chair's absence, is required.

For contested applications 3 list members including the Chair or Commissioner, or the Deputy Chair in the Chair's absence.

STATUTORY POWERS

A licensing committee has all the powers conferred on it by or under this Act or any other Act, and all powers as may be reasonably necessary to enable it to carry out its functions.

Committee Secretary

The Chief Executive is the Secretary of the Hastings District Licensing Committee.

Kaupapataka

Agenda

Nga mema o te Komiti
Committee
Members:

Heamana

Chair: Tania Kerr (*Commissioner*)

Rostered on:

Other Members: George Lyons (*Commissioner*) and Sally Butler

Tokamatua:
Quorum:

3 list members for contested applications – including the Chair or Commissioner or Deputy Chair in the Chair's absence

Nga mema o te Komiti
Committee
Members:

Chair: Tania Kerr (*Commissioner*) or

Commissioner or Deputy Chair in the Chair's absence

(*Quorum = 1 for uncontested applications*)

Te Rōpū Manapori me te
Kāwanatanga

Democracy &
Governance Services

Caitlyn Dine (Ext 5636)

Te Rārangi Take

Order of Business

Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui

1.0 At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

2.0 Conflict of Interest– Mahi Kai Huanga

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive or Executive Advisor/Manager: Office of the Chief Executive (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

Confirmation of Minutes – Te Whakamana i Ngā Miniti

3.0 There are no minutes to be confirmed.

4.0 Off Licence Application - General Distributors Limited

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5.0 Minor Items – Ngā Take Iti

Thursday, 14 May 2026

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Hastings District Licensing Committee Meeting

Te Rārangi Take

Report to Hastings District Licensing Committee

Nā:
From: **Janine Green, Licensing Inspector**

Te Take:
Subject: **Off Licence Application - General Distributors Limited**

1.0 INTRODUCTION

- 1.1 An application has been made by General Distributors Limited for an off-licence in respect of Woolworths Flaxmere (**Attachment 1 & 2**).
- 1.2 The premises are currently under construction, with completion anticipated on 1 July 2026.
- 1.3 The premises are located at 4 Swansea Road, Hastings. The principal site access is from Swansea Road, Flaxmere.
- 1.4 The application is opposed by the Medical Officer of Health, NZ Police, and the Inspector, and has also attracted one public objection.
- 1.5 In particular, the reporting agencies raise concerns as to whether the application meets the object of the Act and the proposed Single Alcohol Area (SAA) provisions, given its location and scale. These concerns are heightened in the context of Flaxmere as a highly deprived community with persistently high levels of alcohol-related harm. These matters are addressed in detail in this report.

2.0 DESCRIPTION OF PREMISES

- 2.1 The premises will operate as a **supermarket**.
- 2.2 The premises are premises for which (by virtue of Section 32) an off-licence can be issued.

3.0 SECTION 112 - 114 - SINGLE ALCOHOL AREA (SAA)

- 3.1 *Sections 112 to 114 of the Sale and Supply of Alcohol Act 2012 (Act) require the Committee to ensure there is only one area within a supermarket where alcohol is permitted to be displayed and promoted, and that a proposed plan limits, as far as is reasonably practicable, the exposure of shoppers to displays and promotions of alcohol and advertisements for alcohol.*
- 3.2 *Section 112 - Compulsory conditions relating to display and promotion of alcohol in a single area in supermarkets and grocery stores*

- (1) *The purpose of this section and sections 113 and 114 is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.*
- (2) *The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.*
- (3) *On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.*
- (4) *Subsection (3) is subject to section 115(4).*

3.3 Section 113 Describing Alcohol Areas

- (1) *The licensing authority or licensing committee concerned must have regard to section 112(1)*
- (a) *when describing an Alcohol Area; and*
 - (b) *when taking any other action under this section; and*
 - (c) *when forming any opinion for the purposes of this section.*
- (2) *An Alcohol Area must be described by means of a plan of the footprint of the premises concerned (or, in the case of premises on more than one level, a plan of the footprint of the level on which the area is or is to be located) showing—*
- (a) *the proposed configuration and arrangement (or, in the case of the renewal of a licence, the existing or any proposed new configuration and arrangement) of the premises or level; and*
 - (b) *the perimeter of the area.*
- (5) *The authority or committee must describe an Alcohol Area within the premises only if, in its opinion, —*
- (a) *It is a single area; and*
 - (b) *the premises are (or will be) so configured and arranged that the area does not contain any part of (or all of)—*
 - (i) *any area of the premises through which the **most direct pedestrian route** between any **entrance** to the premises and **the main body of the premises** passes; or*
 - (ii) *any area of the premises through which the **most direct pedestrian route** between the **main body** of the premises and any **general point of sale** passes.*
- (6) *For the purposes of this section and section 114, general point of sale means anything that is—*
- (a) *a checkout, till, or cashbox where goods other than alcohol (or alcohol and goods other than alcohol) may be bought; or*
 - (b) *a device by which goods other than alcohol (or alcohol and goods other than alcohol) may be paid for without the involvement of any person other than the buyer.*

3.4 Section 114 – Effect of single area conditions

- (1) *Every single-area condition takes effect as a condition that the licensee of the premises concerned must ensure that-*
- (a) *no display or promotion of, or advertisement for, alcohol occurs on the premises at any place outside the Alcohol Area; and*
 - (b) *the premises are not reconfigured or rearranged in a way whose effect (whether intentional or not) is that the Alcohol Area contains-*
 - (i) *any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or*
 - (ii) *any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes.*

3.5 The proposed application plan is available in **Attachment 3** to this report, the following section provides details and analysis of the Single Alcohol Area.

3.6 The High Court in *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* explained the role of the DLC or Licensing Authority in relation to the single area condition in the following terms:¹

¹ *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749, at [14(d)] and [61].

- (a) In the case of an application for an off-licence which is also a supermarket or grocery store, the relevant body must impose a single area condition if it grants a licence. This entails an evaluative exercise requiring the relevant body to:
- (i) be satisfied that the proposed area is a single area;
 - (ii) be satisfied that the proposed area complies with [s 113\(5\)\(b\)](#);
 - (iii) consider whether the proposed area plan limits, so far as is reasonably practicable, the exposure of shoppers to displays, promotions and advertisements of alcohol;

- 3.7 In undertaking this evaluative exercise, it is the role of the District Licensing Committee and the Authority (not of the applicant) to describe the single alcohol area. Thus, the relevant body is not limited to simply accepting or rejecting the plan put forward by the applicant. Rather, the relevant body must describe an area which it considers complies with the above criteria, after hearing evidence and submissions from all relevant parties.
- 3.8 The High Court also noted that there will be cases where the matter(s) to which the decision maker is required to have regard are so fundamental or critical that they assume an elevated mantle — s 112(1) is an example of an elevated consideration²
- 3.9 The statutory intent behind Section 113 is to ensure that alcohol is a destination purchase, and not part of a store’s main pedestrian routes, where shoppers will be exposed to displays and promotions of alcohol. A layout consistent with the Act allows;
- A shopper intending to buy alcohol to make a conscious decision to enter the SAA.
 - A shopper with no intent to buy alcohol to complete a grocery shop without passing through the SAA.

Shopping psychology and research

- 3.10 Retail design literature, often described as the “Gruen Transfer”,³ identifies that supermarket layouts are commonly structured in ways that influence customer movement and product exposure.
- 3.11 Terms such as “endcaps (end of aisles),” “checkout zones,” the “power perimeter” or “racetrack,” and “dwell zones” describe recognised retail design areas linked to distinct customer behaviours, providing context for understanding flow and product exposure patterns.
- 3.12 A “dwell zone” refers to areas where customers naturally pause or spend more time, increasing exposure to products and the likelihood of purchases. These zones are typically found at entrances, end-of-aisle displays, the first aisle, perimeter feature walls, or checkouts, and are designed to draw attention and encourage engagement with high-visibility or promotional products. Research shows that longer dwell time correlates with increased purchase behaviour. These terms will be utilised throughout my report and further explanation is provided in **Attachment 4**. While not codified in case law, they are a relevant behavioural observation and should be considered in the assessment of incidental alcohol exposure.

Physical Configuration and Dominance

- 3.13 The following assessment considers whether the proposed SAA achieves the statutory objective of limiting exposure so far as reasonably practicable.
- 3.14 The SAA (**Attachment 3**) is located in Aisle One near the entrance, adjacent to the self-service checkouts. The checkouts create a stationary “dwell zone”, exposing shoppers to alcohol displays throughout the time they spend waiting or transiting in this area.
- 3.15 The layout consists of two 17.5-metre rows of shelving, including double-depth configurations and dedicated refrigeration. The alcohol area also projects beyond Aisle 2 toward the checkout “dwell zone”, increasing its visual prominence. At the opposite (rear) end of the supermarket, Aisle 1 does not fully connect with the adjacent aisles. There is a gap between aisle runs, with staple items (eggs) positioned at the aisle end.

² *Christchurch Medical Officer of Health v J & G Vaudrey Ltd [2015] NZHC 2749, at [16(a)(v)]*.

³ *Gruen, 1960; Underhill, 1999; Sorensen, 2009; Turley & Milliman, 2000.*

- 3.16 The use of double-deep shelving significantly increases the visual mass and stock density. Having the SAA right near the entrance and self-serve check outs contributes to the alcohol area being a visually prominent feature and elevating exposure to shoppers.

Pedestrian Routes and Incidental Exposure (Section 113)

- 3.17 The SAA is located in Aisle 1, which serves as the principal thoroughfare or pedestrian route for shoppers transitioning from the entry and produce departments into the main body of the store. The SAA leads to everyday staples (juice, eggs) and leads toward other high-demand grocery items including bread and milk at the rear. By placing alcohol in aisle one - a "High-use Zone or extended power perimeter", the layout integrates alcohol into a common and logical shopping pathway. In the Inspector's opinion, this location will act as a direct pedestrian route, creating a high likelihood of exposure to displays and promotions of alcohol, including for minors, contrary to sections 113(5)(b) and 112(1).
- 3.18 While shoppers can technically bypass the SAA, doing so requires deviation from the most direct path to staple items such as eggs. Multiple product routes exist, but the SAA intersects primary circulation paths in a way that increases incidental exposure, particularly for new or unfamiliar shoppers. This is a relevant consideration under Section 113(5)(b) when assessing whether exposure has been limited 'so far as reasonably practicable'.
- 3.19 The applicant has indicated that the SAA near the entrance and self-serve checkouts was positioned to facilitate line-of-sight supervision from the tills. In practice, staff are unlikely to monitor the full 17.5-metre aisle while attending to transactions, meaning the high-traffic placement continues to expose shoppers—including minors and vulnerable adults—to alcohol. However, the inspector notes, that under the principles of Crime Prevention Through Environmental Design (CPTED), good sightlines and natural surveillance can help reduce petty crime by increasing passive monitoring of the aisle. While CPTED features may provide some safety benefits, these advantages are unlikely to outweigh the potential negative impacts of increased alcohol exposure on shoppers.
- 3.20 The applicant also indicated that crowd-control hoarding, aisle barriers, and alternative exit routes could be used to reduce pedestrian traffic through the SAA. However, no amended plan or formal confirmation of these measures was provided. While such interventions may mitigate some movement, the SAA's location on a primary pedestrian route and near dwell zones means incidental exposure to alcohol is still likely to remain elevated. This increased exposure is a relevant consideration when assessing the SAA against the statutory requirements under Sections 112 and 113 (see **Attachment 6** for related email communications and **Attachment 4 & 5** for single alcohol area analysis and further analysis of pedestrian routes).

Commercial preference vs practicability

- 3.21 Under Section 112, the applicant is required to limit exposure of shoppers to displays and promotions of alcohol as far as reasonably practicable. Given the proposed premises is a new build, the SAA could have been located in a lower-traffic area to better incorporate harm-minimisation principles.
- 3.22 The current placement in Aisle One aligns with the store's primary circulation route and features characteristics described in retail design literature as part of the "power perimeter" or high-traffic racetrack, where exposure and impulse purchasing are increased.⁴ Given that viable low-traffic zones exist (e.g., Aisles 9–10 or a corner site), this location appears more consistent with commercial placement considerations than a demonstrated practical necessity. Practicable alternative locations are available within the existing footprint. For Power Perimeter & Dwell zone - shopping routes, see **Attachment 5**.

Assessment of Compliance with the Act

- 3.23 In my assessment, this results in an alcohol area that appears visually dominant, which is inconsistent with the Act as exposure has not been limited to the extent 'reasonably practicable'.

⁴ Gruen, 1960; Underhill, 1999; Sorensen, 2009; Turley & Milliman, 2000.

Furthermore, the proposed area appears inconsistent with the “most direct pedestrian route” provisions of Section 113. Detailed analysis of the SAA is available in **Attachment 4 &5** to this report.

The Object of the Act and Community Vulnerability.

- 3.24 The assessment of the application must be viewed through the lens of Section 4 (The Object of the Act). The proposed premises sits within a high deprivation (9/10) community with documented elevated levels of alcohol-related harm (detailed in Section 4 of this report and in **Attachment 7**), the risk of "normalization" is a significant concern.
- 3.25 The visibility and placement of alcohol within routine shopping environments can contribute to the normalisation of alcohol as an ordinary, everyday product. When alcohol is encountered along the same pathways as essential grocery items, its presence becomes embedded in regular purchasing behaviour, reducing the perceived distinction between alcohol and non-restricted goods. This normalisation is relevant to the object of the Act, as it may contribute to increased exposure, purchasing, and ultimately excessive consumption, particularly in communities already experiencing higher levels of alcohol-related harm.
- 3.26 *Rainger v General Distributors Ltd* emphasizes the importance of limiting exposure to alcohol, setting out that the alcohol area must be located or positioned in the store in such a place that it will limit the exposure of shoppers in supermarkets to displays and promotions of alcohol, so far as is reasonably practicable, and that this will require the decision-maker to have regard to any alternative options that are reasonably practicable. In communities with higher vulnerability, such as Flaxmere, locating the alcohol area along primary thoroughfares and dwell zones will increase exposure, which is an important consideration when evaluating compliance with the harm-minimisation objectives of the Act.
- 3.27 While Rainger involved an in-aisle layout, the Authority did not explicitly endorse all aisle-based SAAs as compliant. Rather, the decision balanced the minor benefit of altering aisle-end displays against practical difficulties. This distinction is important when evaluating Flaxmere, where the SAA intersects main circulation paths and dwell zones and is a new build supermarket.
- 3.28 The placement of alcohol early in the shopping pathway can influence purchasing behaviour. In a grocery context, incidental exposure to alcohol at the start of a shopping trip may shape decisions in ways that exacerbate resource trade-offs for vulnerable shoppers. Situating the Single Alcohol Area near primary thoroughfares, store entrances, or self-checkout points can create a “trigger trap,” increasing the likelihood of incidental exposure, potential impulse purchases among at-risk community members, and reinforcing the normalization of alcohol.^{5 6}
- 3.29 Detailed evidentiary breakdown of these concerns is available in **Attachment 4**. The attachment details:
- Statutory Framework and Legislative Intent
 - Spatial Analysis - The Destination Principle
 - High-Exposure Layouts and product category analysis
 - Practicability Analysis.
 - Community Impact
 - Applicant Liaisons
- 3.30 In conclusion, the proposed SAA’s location and configuration is likely to result in elevated exposure (including incidental exposure) to alcohol in a high-harm, low-decile area. Observed factors—

⁵ Townshend & Duka, 2001; Field & Eastwood, 2005; Field & Jones, 2017 – to name a few).

⁶ Jolex A, Kaluwa B. *Crowding Out Effects of Alcohol Consumption Expenditure on Household Resource Allocation in Malawi. The theoretical foundation for alcohol-related household budget trade-offs draws on the body of work by Angus Deaton, whose research on consumption, health, and poverty shows how constrained incomes lead households to make trade-offs across essential goods and discretionary spending (Deaton, 1980s–2015; Nobel Prize Scientific Background, 2015).*” - Case, A., & Deaton, A. (2003). *Consumption, Health, Gender, and Poverty (Policy Research Working Paper No. 3020)*. World Bank. World Health Organization (2014). *Global status report on alcohol and health*. Geneva: WHO; World Bank (2017). *Tobacco tax reform: At the crossroads of health and development*. Washington, DC: World Bank

including its position along a primary pedestrian route, adjacency to dwell zones at self-service checkouts, and common pedestrian routes to staple items—suggest that the SAA may not limit exposure “so far as is reasonably practicable” under Sections 112–114. On this basis and considering the harm-minimisation objectives of the Act, the proposed SAA raises concerns regarding statutory compliance.

4.0 SECTION 105 – CRITERIA

4.1 Object of the Act

1. The object of the Act is that:
 - a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
 - b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
2. For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes:
 - a) Any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and
 - b) Any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

4.2 With regard to meeting the object of the Act, the applicant advises that alcohol will not be sold / supplied to minors or those who are intoxicated.

Summary of key considerations under the object of the Act

4.3 Flaxmere is a highly deprived, low socio-economic community that experiences high and persistent levels of alcohol-related harm, reflecting a particularly vulnerable population. Much of this harm occurs in residential settings, where alcohol from off-licences is primarily consumed. In addition, Hawkes Bay has the highest rates of hazardous drinking in the country, according to the most recent Health Survey regional data.

4.4 Public health research confirms the "alcohol harm paradox," where individuals in high-deprivation areas experience significantly higher levels of health and social harm per litre of alcohol consumed than those in wealthier areas, even when consumption levels are identical.

4.5 Local Police statistics highlight the severity of alcohol-related harm in Flaxmere:

- Total Alcohol Incidents (2023–2024): Over the two most recent reporting periods, Flaxmere consistently recorded substantially higher rates of alcohol-related incidents than Havelock North. In 2023–2024, Flaxmere recorded 495 incidents for a population of 12,190 (approximately 40.6 incidents per 1,000 residents), compared with 267 incidents in Havelock North for a population of 15,200 (approximately 17.6 per 1,000 residents).
- In 2024–2025, Flaxmere recorded 431 incidents (approximately 35.4 per 1,000 residents), while Havelock North recorded 205 incidents (approximately 13.5 per 1,000 residents). Expressing incidents per capita highlights the disproportionately high rate of alcohol-related harm (more than double) in Flaxmere relative to other local communities. (These figures should be interpreted with some caution, as the incident data is mapped using radius-based catchments, while the population estimates relate to suburb or statistical area boundaries.)
- Family Harm: 290 incidents in 2024–2025, accounting for 67% of all alcohol-related incidents in the suburb, more than seven times the rate of Havelock North (41 incidents).
- Residential Concentration: Over 60% of alcohol related incidents occur in residential settings.
- Road Safety: Drink-driving incidents - 72 to 93 (2023–2024)

4.6 Emergency Department (ED) data for Hastings District further illustrate the harm:

- 618 alcohol-related presentations

- Flaxmere suburbs among the highest affected.
 - Around 25% required inpatient admission, and 27 cases needed resuscitation, highlighting serious local health impacts.
- 4.7 Supermarket off-licence data is particularly relevant in this context. National research shows that supermarkets account for:
- 60% of all off-licence wine sales
 - 30% of all off-licence beer sales despite representing only 11.7% of off-licences in Hastings.
 - this literature suggests that supermarkets represent a significant source of alcohol and a key contributor to overall community exposure and consumption.
- 4.8 Community surveys through the Hastings Local Alcohol Policy process show resident concern regarding supermarket alcohol sales: 54% support reduced supermarket trading hours, and 51% consider supermarkets a key source of alcohol-related harm.
- 4.9 **Attachment 7** provides detailed evidence, including:
- Alcohol-related harm data (Police and ED)
 - Public health evidence
 - Community survey results
 - Relevant case law

Evaluation

- 4.10 Taken together, this information demonstrates that any increase in alcohol availability in a high-deprivation area such as Flaxmere gives rise to a heightened and foreseeable risk of harm. This application, in this context raises questions as to whether the object of the Act would be met. This is exacerbated by the proposed placement of the SAA, addressed at 3.0 above.
- 4.11 **Suitability of Applicant**
- 4.12 The applicant company was registered with the Companies Office on the 27 June 1997.
- 4.13 The applicant for the premises is General Distributors Limited and Clement Jit Hui Chia, Sally Anne Copland and James Burton Radcliffe are the directors of the company.
- 4.14 General Distributors Limited ("GDL") has a significant amount of experience in managing supermarkets, and in the sale and supply of beer and wine products. In particular, GDL states it:
- (a) operates over 170 supermarkets with off-licences;
 - (b) has over 20 years' experience in the sale of beer and wine products; and
 - (c) serves more than 2.5 million customers across the country each week.

Application tailoring and local responsiveness in relation to suitability

- 4.15 An assessment of the application indicates a notable omission regarding the local community context. While the applicant is an established national retailer with robust corporate systems, the Inspector notes that while the application was thorough in its general policies, it lacked local specificity.
- 4.16 Despite the extensive public data detailing Flaxmere as a Decile 10 area with high levels of alcohol-related harm, the applicant does not appear to specifically acknowledge or address these factors in their application documents. Critically, the application fails to acknowledge the specific community context of Flaxmere, which is central to an evaluative assessment under the Act.
- 4.17 Standardization vs. Local Mitigation - The Inspector notes that the application is virtually identical to standard "Woolworths/Countdown" application received for other, less vulnerable catchments. By opting for this largely standardised approach, the applicant does not clearly demonstrate how the business model will adapt to the specific statutory requirement to minimize harm in this high-risk locality. A generic management plan, while robust on a national level, does not sufficiently account for the unique challenges presented by a Decile 10 community.
- 4.18 While applicants are not legally required to address the locality or its vulnerabilities, these factors remain highly relevant to assessing suitability. Given Flaxmere's high levels of deprivation, the concept of "heightened suitability" applies, meaning a higher threshold must be met. In practice, this requires an applicant to:

- Show an understanding of the community’s vulnerabilities;
 - Engage with relevant agencies and the community on ways to address them, in line with the object of the Act; and
 - Persuade the decision-maker that these measures are sufficient.
- 4.19 In a High Court decision - *Alcohol Licensing Inspector of the Auckland Council v Singh 13 Investments Ltd [2025] NZHC 2868* made clear (at paragraph [74]) that:
- “whether an applicant understands and has engaged with the relevant community, particularly a vulnerable community, is a factor that the decision-maker is entitled to consider when assessing suitability. A lack of understanding of or consultation with a vulnerable community may count against an applicant’s suitability, but this is one consideration for the decision-maker, not a bottom line.”*
- 4.20 Lack of Bespoke Conditions - The applicant has not proposed additional conditions or mitigation strategies tailored to the high-harm environment of Flaxmere within the original application. Some site-specific considerations were only provided following prompting by the inspector via email. See section 4.27-4.34 for further details.
- 4.21 Factual inaccuracies in the application - The application contains technical errors regarding the existing licensed environment. Specifically, the applicant identifies two bottle stores in the vicinity. This is incorrect, based on the Inspector’s site assessment there is; one bottle store, a supermarket, a tavern and tavern off-licence. This may indicate that the application was not informed by a robust, site-specific investigation or general understanding of the area.
- 4.22 Regulatory history and systems management - The applicant relies on a standardized Alcohol Management Plan and documentation used across its New Zealand network. While these systems are extensive, compliance issues can and do still arise even within large-scale systems. Even large-scale operators with significant resources do not maintain a 100% compliance history, which underscores the importance of a conservative physical layout to assist staff in harm minimization.

Conclusion on Suitability Under the Act

- 4.23 Suitability is not merely an assessment of past conduct, but an evaluation of whether the applicant is appropriate for the specific site and community context.
- 4.24 The Inspector does not question the applicant's general suitability as a national operator. However, suitability under the Act is an evaluative exercise focused on the specific premises. The apparent lack of local tailoring in this application, and the limited understanding of the community demonstrated in the application and correspondence with the applicant, raises concerns regarding the applicant’s responsiveness to this particular environment.
- 4.25 A more tailored approach—including a less exposed SAA site and site-specific mitigation strategies—would better demonstrate the applicant’s commitment to the harm-minimization objectives of the Act in this specific location and reflect more positively on suitability in this instance.
- 4.26 Suitability and layout assessments under the Act are site-specific and must be considered in the context of the local community rather than by comparison with other approvals. Applications under the Sale and Supply of Alcohol Act 2012 must be assessed on their individual merits, with decision-makers undertaking a holistic, evaluative consideration of each case. *Re Sethi Group of Companies Ltd* emphasises that the Act sets out relevant criteria (sections 105 and 131) without prescribing a specific test, which must be interpreted broadly and considered in light of the object and purpose of the Act (sections 3 and 4). The committee’s role is therefore to assess each application on its own facts, with genuine attention to all matters relevant to suitability.
- 4.27 **Local Alcohol Policy**
- 4.28 The following conditions have been discussed via email with the applicant. The applicant indicated that many of these conditions were unnecessary, asserting that they reflect standard practice and that the current proposal “asks for a range of concessions without providing supporting evidence.” This response reinforces the concerns noted in relation to the applicant’s suitability under the Act (see 4.11-4.26), as it suggests a limited understanding of the community, the local risks, and the severity of alcohol-related harm in this environment.

4.29 In response, the Inspector notes that, because these practices are already standard within the store, there should be no concern for the applicant in having them formally included as licence conditions. These conditions serve to protect the community, particularly in a high-harm, high-risk area, and ensure the statutory objective of harm minimisation is met. Having them recorded as conditions also makes the obligations both clear and enforceable, whereas little can be done should they not comply with “standard practise”, or if the practises in the store should change.

Rationale for proposed conditions

4.30 The conditions proposed below are recommended in accordance with Section 5.2 of the Hastings District Local Alcohol Policy 2025 and the Sale and Supply of Alcohol Act 2012. Each condition is supported by operational, spatial, and research-based evidence provided within this report and associated attachments.

Proposed Condition	Policy / Evidence Basis	Purpose / Effect
Maintain incident and duty manager registers and notify NZ Police of any violent incidents.	Section 5.2 LAP & Duty managers log standard operational practice condition (SSAA) Harm statistics Tri agency support	Ensures staff oversight and timely reporting of alcohol-related incidents. Supports staff safety and allows Police to respond appropriately in a high-harm locality, where there are known issues relating to hazardous drinking and community harm, and given the issues previously experienced at the former supermarket in Flaxmere.
Prohibit single sales of high-strength beer or cider (500ml and under) AND prohibit single sales of beer and cider greater than 5.5% ABV priced below \$6.00.	LAP Section 5.2; research on high-strength alcohol consumption. Harm statistics Tri agency support	Reduces impulsive purchase of high-strength alcohol and associated harm. Prevents low-cost, high-strength purchases by people with limited funds. Reduces exposure to high-risk alcohol in a high-harm area, helps future-proof the licence, and ensures consistent operation for higher-risk premises.
Make low-alcohol and 0% alcohol beverages available	LAP Section 5.2; NZ Health guidance Tri agency support	Provides safer consumer choices and supports harm minimisation objectives
The single alcohol area (SAA) shall contain no aisle-end displays [that face out from the single alcohol area and into the main shopping area] (whereby reason of the location of the SAA and its proximity to passing shoppers in the supermarket, the level of shoppers' exposure to alcohol displays is not limited so far as is practicable).	Spatial analysis within this report - international evidence on end-of-aisle exposure	End of Aisles has shown to increase sales by as much as 23-43% and would have had a significant impact on alcohol consumption. Limits incidental exposure to alcohol in high-traffic thoroughfares; reducing exposure to vulnerable groups including minors. Aligns with destination principle; reduces impulse purchasing.

4.31 These conditions are evidence-based, reasonable, and consistent with both established local policy and statutory objectives and have been legally reviewed. They provide clear guidance to the licensee while ensuring community protection in this high-harm area.

4.32 Importantly, they also serve to prevent future changes that could increase harm, ensuring controls remain effective even if the applicant alters internal processes or operational standards.

4.33 It should be noted that the SAA designation is limited to the outlined alcohol area, and the DLC cannot control the configuration or placement of alcohol within that area beyond the conditions imposed. If the internal layout is reconfigured—potentially increasing visibility, such as by adding

end-of-aisle displays—conditions including end-of-aisle restrictions, single sales provisions, and other operational controls would help maintain protection for the community. Their inclusion does not impose undue operational burden, as comparable arrangements are already implemented. (emails regarding discretionary conditions are in **Attachment 6**)

- 4.34 **Days & Hours Applied For Monday to Sunday** **9.00 am to 9.00 pm**
- 4.35 The proposed trading hours are in accordance with those stated in the Hastings District Local Alcohol Policy 2025 and the Sale and Supply of Alcohol Act 2012, s.43 (Default National Maximum Trading Hours).
- 4.36 The Inspector notes that both police and health data indicate an increase in alcohol-related harm from 7 pm onwards. This pattern may be relevant when assessing the timing of alcohol availability and its potential contribution to harm.
- 4.37 **The design and layout of the premises**
- 4.38 A plan and photographs of the premises have been provided with the application showing a very large 3460m² supermarket with office space, main grocery area and additional retail spaces. The public car park is directly in front of the entrance / exit to the supermarket. (**Attachment 3**)
- 4.39 The SAA is relevant to this criterion and is addressed at 3.0 above.
- 4.40 **Whether the applicant is engaged in, or proposes on the premises to engage in, the sale of goods other than alcohol, low-alcohol refreshments, non-alcoholic refreshments, and food, and if so, which goods.**
- 4.41 Lotto, household goods, grocery items.
- 4.42 **Whether the applicant is engaged in, or proposes on the premises to engage in, the provision of services other than those directly related to the sale of alcohol, low alcohol refreshments, non-alcoholic refreshments, and food, and if so, which services.**
- 4.43 Services usually found in a supermarket.
- 4.44 **Effect on Amenity and Good Order of the Locality**
- 4.45 Section 5 of the Act defines “amenity and good order of the locality” as the extent to which the area is pleasant and agreeable. The Inspector has therefore assessed how the proposed off-licence might affect the locality’s amenity and good order under section 105(1)(h).
- 4.46 The premises are a substantial new build with good landscaping proposals and a large car park. It is located near the Flaxmere shopping centre, a commercial hub surrounded by highly deprived residential areas that experiences elevated levels of alcohol-related harm.
- 4.47 The adjacent / neighbouring commercial area includes a bottle store, a tavern with on- and off-licences, another supermarket, several sensitive sites such as a health centre and community support. There are also numerous schools, early childhood centres, churches, and the Flaxmere Park—an area that previously met the threshold for inclusion in an alcohol ban bylaw due to alcohol-related issues, nearby.
- 4.48 The local supermarket (Flaxmere Supermarket and previous New World) has reported some issues with shoplifting and loitering.
- 4.49 Noise and vandalism are not currently significant, the broader environment is characterised by persistent alcohol-related harm, some of which directly affects amenity and good order.
- 4.50 Taking these factors together, the locality presents several risk indicators, including high vulnerability, existing alcohol availability, proximity to sensitive sites, and demonstrated alcohol-related harm.
- 4.51 A new site, well kept, will elevate the appearance and pleasantness of the area.
- 4.52 Although there is no definitive evidence that this specific off-licence alone would reduce amenity and good order by more than a minor extent, the overall context suggests a heightened level of

caution is warranted, and any steps to address the locality's vulnerability, and to reduce exposure to alcohol, take on added significance.

- 4.53 Please see **Attachment 7** for further details, analysis and maps regarding amenity and good order.
- 4.54 **Whether the applicant has appropriate systems, staff, and training to comply with the law**
- 4.55 I believe that the applicant has appropriate systems, staff and training to comply with the law.
- 4.56 The applicant has indicated that appropriate signage will be displayed, and that proof of age will be required.
- 4.57 The premises are to be managed by several duty managers; this will be provided in due course upon completion of the building work and new store opening.
- 4.58 The applicant has requested that the premises be undesignated, this request is consistent with the general nature of the business.
- 4.59 **Additional conditions and systems**
- 4.60 The applicant has stated as general practise they display alcohol pregnancy warning signage in relation to risk of Foetal Alcohol Spectrum Disorder but has not agreed to a condition on the licence.
- 4.61 Further, to prevent cases of 'secondary supply', the applicant has stated they have a standard policy to request identification for any person in a group where a member of the group looks under the age of 25 and staff member reasonably believes there is a possibility that beer or wine may be being purchased for this person.

5.0 SECTION 103 – OTHER REPORTS

- 5.1 The Police and Medical Officer of Health have opposed this application.
- 5.2 The Medical Officer of Health has opposed this application under the following sections;
1. Section 3 – Purpose of the Act
 2. Section 4 – Object of the act
 3. Section 105(1)a – Object of the act
 4. Section 112-115 – Single alcohol area
 - Size
 - Most Direct Pedestrian route
 - Location of checkouts
 - Products next to the SAA
 - Accessibility
 5. Practicality to amend
 6. Suitability – 105 (1)(b)
 7. Section 105 (1) (h) amenity and good order
- 5.3 The NZ Police oppose this application under:
1. Section 105(1)a – Object of the act
 2. Section 105(1) (e) The design and layout of the premises
 3. Section 112-114) Single alcohol area
 4. Section 105(1)(j) whether the applicant has appropriate systems, staff and training to comply with the law.
- 5.4 The full responses are attached (**Attachment 8**).

6.0 RESOURCE MANAGEMENT ACT / BUILDING ACT / FIRE EVACUATION MATTERS

- 6.1 The proposed use and operation of the building meet the requirements of the Resource Management Act 1991.
- 6.2 The premises are currently being developed, and an interim building code certificate has been provided for the application.
- 6.3 The applicant has advised that the premises does not currently have an approved evacuation scheme, however, will seek the required approvals prior to opening the store.

7.0 PUBLIC NOTIFICATION

- 7.1 Advertisements were published giving notice of the application. The notice was published on 11/02/2026.
- 7.2 Notification of the application was also attached to the security fence surrounding the property.
- 7.3 A public objection from Cath Healy has been received. Ms Healy has noted great concerns with alcohol related harm generally within the Flaxmere community and objects on all grounds under section 105 of the Act. **(Attachment 9)**
- 7.4 The Inspector spoke with Ms Healy on Thursday 19 March 2026 to clarify her opposition. Ms Healy works for Te Rangihaeata Oranga Gambling Recovery Service, Hawkes Bay, and her submission reflects both personal and professional concern. Through her role, she sees the real human toll of alcohol-related harm, which is often closely linked with gambling. She described a community already struggling with high levels of harm, where existing licences are plentiful in a high-risk area. Ms Healy expressed that adding another alcohol outlet would not only increase harm but also risk undoing the vital work the community is doing to protect its most vulnerable members.

8.0 SUMMARY

- 8.1 The application is contrary to certain requirements and criteria of the Act.
- 8.2 To align with the Act, Inspector's note the following factors for consideration:
- **Object of the Act** – Approving a new supermarket off-licence in Flaxmere would create a clear and foreseeable risk of increased alcohol-related harm. This is inconsistent with the Act's object, which requires minimising harm and protecting the community from the adverse effects of alcohol.
 - **Community Vulnerability and Harm Data** – Flaxmere is a high-deprivation (Decile 9/10) community with a high proportion of young residents and persistent alcohol-related harm, supported by Police and Emergency Department data. Residents in such communities face significantly greater vulnerability to alcohol-related impacts. With Hawke's Bay recording some of the highest levels of hazardous drinking in New Zealand, the threshold for "acceptable risk" must be lower, and the standard for harm minimisation must be higher. Off-licence premises also play a dominant role in supplying alcohol for home consumption, where most Flaxmere harm occurs.
 - **Normalization and Proliferation** – The presence of alcohol in this supermarket may normalise consumption in a vulnerable population, particularly where layout does not limit exposure to displays and promotions of alcohol. Additionally, adding a large-scale supermarket off-licence in a catchment with three existing off-licences and one on-licence increases the physical and psychological availability of alcohol, normalising consumption in a vulnerable population. Research confirms that increased availability correlates directly with increased harm, particularly in low-socioeconomic catchments. Updated local harm data, together with WHO guidance (2023), establishes that any alcohol exposure and consumption carry risk and real potential for additional harm.
 - **Single Alcohol Area (SAA)** – The proposed SAA appears inconsistent with Sections 112–114 of the Act. By positioning the Alcohol Area in Aisle 1, the applicant is likely to create a "thoroughfare effect" that increases exposure of alcohol displays and promotions to all shoppers—including children—to reach daily staples at the rear of the store. This placement prioritises commercial "Power Perimeter" advantages over the statutory requirement to limit exposure "as far as is reasonably practicable." Its proximity to dwell zones—areas where shoppers naturally pause—further elevates exposure, making it difficult to reconcile with the object of the Act and Sections 112–114.
 - **Availability of Practicable Alternatives** – Viable, lower-traffic locations exist within the store that would meet statutory requirements. Furthermore, the existence of "dry" supermarkets in other New Zealand centres and many states in Australia demonstrates that a supermarket can function adequately without the sale of alcohol, particularly where the risk of harm is as acute as it is in Flaxmere.

- **Applicant Engagement and Contextual Awareness** – The non-specific nature of the application shows the applicant did not acknowledge or address the unique Flaxmere context and its vulnerabilities, make adjustments as required, or engage with the community in any meaningful way.

8.3 In summary, the community already experiences elevated levels of alcohol-related harm, and the proposed SAA configuration is likely to increase exposure and incidental exposure. The application, as presented, does not sufficiently mitigate these risks and raises significant concerns regarding its consistency with the object of the Act. Approval in its current form would likely result in exposure and harm. While relocating the SAA to a lower-traffic area and imposing additional measures could better align the application with statutory objectives, residual concerns regarding exposure and potential harm would remain.

9.0 CONDITIONS

9.1 Without prejudice to opposition, should the licence be granted, the following conditions are recommended:

- a. **Alcohol may be sold only on the following days and during the following hours:**

Monday to Sunday	9.00 am to 9.00 pm
-------------------------	---------------------------
- b. **No alcohol is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1.00 pm on Anzac Day.**
- c. **The licensee must ensure that the provisions of the Act relating to the sale and supply of alcohol to prohibited persons are observed and must display appropriate signs adjacent to every point of sale detailing the statutory restrictions on the supply of alcohol to minors and the complete prohibition on sales to intoxicated persons.**
- d. **The licensee must maintain a register of all alcohol-related incidents, and a duty managers register in accordance with Section 5.2 of the Hastings District Local Alcohol Policy. Any violent incidents must be reported to NZ Police.**
- e. **There shall be no single sales of beer or cider that is 500ml or less. There shall be no single sales of beer & cider that are stronger than 5.5% ABV for less than \$6.**
- f. **Drinking water is to be freely available and free of charge to customers at the following area where free alcohol samples are being supplied: In each area where free alcohol samples are provided.**
- g. **The only area delineated on the attached plan date stamped: and entitled 'Single Alcohol Area' is the permitted area for the display and promotion of alcohol.**
- h. **The single alcohol area (SAA) shall contain no aisle-end displays [that face out from the single alcohol area and into the main shopping area] (whereby reason of the location of the SAA and its proximity to passing shoppers in the supermarket, the level of shoppers' exposure to alcohol displays is not limited so far as is practicable).**
- i. **Alcohol pregnancy warning signage to be displayed in the Alcohol Area in relation to risk of Foetal Alcohol Spectrum Disorder.**
- j. **No alcohol may be sold other than:**
 - i. **Beer that complies with the appropriate NZ food standard for beer; or**
 - ii. **Mead that complies with the appropriate NZ food standard for mead; or**

- iii. Fruit or vegetable wine that complies with the appropriate NZ food standard for fruit or vegetable wine; or
 - iv. Grape wine that complies with the appropriate NZ food standard for grape wine; or
 - v. food flavouring, prepared for culinary purposes, that is unsuitable for drinking undiluted.
- k. The licensed area is described in a plan date stamped as received by the Hastings District Licensing Committee on.....

Attachments:

1	29/OFF/002/26 Application for Off-Licence General Distributors Limited	CG-18-09-00027
2	29/OFF/002/26 Application for Off-Licence General Distributors Limited - Supporting Documents	107641#LC#0005
3	29/OFF/002/26 Application for Off-Licence General Distributors Limited - Plans	107641#LC#0004
4	29/OFF/002/26 - GDL - Single Alcohol Area Analysis	107641#LC#0012
5	29/OFF/002/26 - GDL - Power Perimeter & Dwell zone - shopping routes	107641#LC#0013
6	29/OFF/002/26 - GDL - Emails with applicant re SAA	107641#LC#0014
7	29/OFF/002/26 - GDL - Data - information object and amenity	107641#LC#0011
8	29/OFF/002/26 - GDL - Agency opposition	107641#LC#0015
9	29/OFF/002/26 - Public Objection_ Woolworths Flaxmere	107641#LC#0017

Hastings District Council
207 Lyndon Rd East, Hastings 4122
Private Bag 9002, Hastings 4156
Phone: 06 871 5000
Email: customerservice@hdc.govt.nz



Application for an Off-Licence

Online Reference Number	REF260207324	Submitted On	04/02/2026 09:36 p.m.
Submitted By	Cara Lillie Gibson	Email Address	cara.gibson@russellmcveagh.com

1. Notes to Applicants

Before you apply for an Alcohol Off-Licence:

- (i) Contact an alcohol licencing officer on 06 871500 to check if you can open a business selling alcohol in the area.
- (ii) You need to get alcohol licencing building and planning certificates.

The following documentation must be supplied as part of this application:

- (1) Where the applicant is incorporated, a copy of the Certificate of Incorporation.
- (2) Character references for the directors of the company.
- (3) A photograph of the exterior of the premises or an artist's impression of the exterior of the proposed premises.
- (4) A map showing the location of the premises within the Hastings District.
- (5) A Scale Plan showing –
 - Those parts of the premises that are used for the sale or supply of alcohol; and
 - Those parts of the premises (if any) that the applicant intends should be designated as restricted or supervised areas; and
 - Each entrance to the premises that is to be designated as a principal entrance
 - Details of the seating arrangements.
- (6) A copy of a Resource Management Certificate and Building Code (or Interim Building Code) Certificate is required.
- (7) When the applicant is not the owner of the premises a written statement from the owner stating that the owner has no objection to the alcohol licence and a copy of the lease document.
- (8) A copy of Fire Safety Report (NZBC C1-C6) noting the safe maximum occupancy number for the premises
- (9) Host Responsibility document
- (10) Copy of Managers Certificates for Duty Managers for the premises.
- (11) If your premises are a supermarket or grocery store you will be required to provide a statement of annual sales revenue required by regulation 12 or 13 (as the case requires) of the Sale and Supply of Alcohol Regulations 2013.
- (12) The initial annual fee must be paid before the licence is issued.

2. Applicant Details

Status of the applicant	Private Company		
Company name	General Distributors Limited	Type of business	
Contact number	09 367 8016	Email	GDLalcohollicensing@russellmcveagh.com

Item 4 Off Licence Application - General Distributors Limited

Key contact for premises	Cara Gibson	Contact method	Email
Street address		Is the postal address same as street address?	

Please describe your experience and training in the sale and supply of alcohol? Applicant operates over 180 off-licence stores across the country.

Convictions of Company Directors, Partners, or Individuals

Have you ever been convicted of any offence (including traffic but not parking) No

3. Company Details

Type of business	Supermarket, grocery store, bottle store
Latest closing / sales time	10pm or earlier
Has your licence been suspended or withheld in the last 18 months?	No

State (by type) every endorsement sought or sought to be renewed: Remote Sales (Section 40 – mail order or internet sales only)

Type of company	Private company
Authorised capital	\$102,644
Paid-up capital	\$102,644

Full details of each person who hold any shares issued by the company

Full name	Clement Jit Hui Chia	Date of birth	04/09/1970
Place of birth	Kuching, Malaysia	Designation	Director
Address	12 Kerema Way, Schnapper Rock, Auckland 0632	Face value of shares held	

Full name	Sally Anne Copoland	Date of birth	01/10/1978
Place of birth	Masterton, New Zealand	Designation	Director
Address	Apartment 26 Oasis Building, 26 Poynton Terrace, Auckland 1010, New Zealand	Face value of shares held	

Full name	James Burton Radcliffe	Date of birth	03/08/1969
Place of birth	Tauranga, New Zealand	Designation	Director
Address	30 Ellerton Road, Mount Eden, Auckland 1024	Face value of shares held	

Date of incorporation	Place of incorporation
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3a. Details of Premises

Item 4 Off Licence Application - General Distributors Limited

Premise address	4 Swansea Road HASTINGS 4120	Proposed trading name for premises	Woolworths Flaxmere
Proposed opening date	01/07/2026	Type of licence	Supermarket
Is a licence already held for the premises?	No		
Does the applicant own the proposed licensed premises?	Yes		
What part (if any) of the premises does the applicant intend should be designated as:			
A restricted area (18 years and older)	The premises will be undesignated.		
A supervised area (minors accompanied by a legal guardian)	The premises will be undesignated.		

3b. Details of Managers

Full details of manager(s) to be employed and certificate numbers of Manager's Certificate(s)

Name	To be provided prior to store opening	Date of birth	04/02/2026
Certificate number		Expiry date	

3c. Fire Safety - Section 127(2)

Maximum building occupancy	517
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NOTE: A registered Evacuation Scheme is required when:

- The building can hold more than 100 people;
- There are more than 10 employees in the entire building; or
- Overnight accommodation is provided for more than 5 people.

NOTE: Maximum occupancy numbers: (On licenses and Club Licenses only)

NOTE: It is the responsibility of the Licensee to ensure you have a up to date fire safety report and that you are aware of your Maximum occupancy numbers: (On licenses and Club Licenses only). All premises are required to have a fire safety report under NZBC C1-C6. This report can be obtained from your premises property file, or you may have to get a fire safety report completed for your premises at your cost.

Please note evacuation trials are required to be undertaken at intervals of not more than 6 months and reported to Fire and Emergency New Zealand (FENZ) <https://www.fireandemergency.nz/business-and-landlords/evacuation-schemes>. Email - evacuation@fireandemergency.nz

4. Business Details

Is the sale of alcohol intended to be the principal purpose of the business?	No
What is intended to be the principal purpose of the business	To sell groceries, produce, household goods and services usually found within a supermarket
Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food (ie TAB , Gaming Machines)? If yes please provide evidence of your primary source of income for the business	No

Item 4 Off Licence Application - General Distributors Limited

On which days and during which hours does the applicant intend to sell alcohol under this licence?

Day	From	To
Monday to Sunday	9:00 a.m.	9:00 p.m.

Does the applicant intend to provide complimentary samples of alcohol on the premises? Yes

4a. Conditions

What steps does the applicant propose to take to ensure that the requirements of the Act in relation to the sale of alcohol to prohibited persons are observed? Please see Attachment A of the application emailed to Council on 3 February 2026

When samples of alcohol are supplied to patrons, to what extent and where is drinking water freely available to patrons? It will be made available where free tastings take place (in the single alcohol area)

Describe if no access to mains water supply, portability of water intended to be available

What appropriate systems, staff and training does / will the applicant have in place to ensure compliance with the law? Please see Attachment A of the application emailed to Council on 3 February 2026

What are the current and possible future noise levels and how does the applicant intend to mitigate them? Please see Attachment A of the application emailed to Council on 3 February 2026

What are the current and possible future levels of nuisance and vandalism and how does the applicant intend to mitigate Please see Attachment A of the application emailed to Council on 3 February 2026

What other licensed premises are there in the vicinity of this proposed premises? And, will the granting of this licence contribute to an increase in alcohol related problems in the area? We understand there to be two bottle shops in the vicinity. GDL's experience in the sale and supply of alcohol and its comprehensive policies outlined in Attachment A of the application emailed to Council on 3 February 2026 will ensure alcohol related problems in the area as not increased.

What is the land near the proposed premises being used for? Will the granting of a licence for your premises impact on changing neighboring land use? The land near the proposed premises is being development in conjunction with Woolworths Flaxmere and will be used as a separate retail space, the granting of a licence will deliver a much-needed amenity that will service the Flaxmere community

Design and layout - Explain how the design and layout of the premises assists the intended purpose of the business operation. Take into account the following matters (where applicable):

- Internal layout: Can the entire premise be seen by the cashier? Is there good visibility into cold store areas? Where there are blind spots, are mirrors or CCTV installed?
- Lighting: Is the internal lighting inside the premises suitable? Does lighting outside the premises discourage loitering? Is lighting outside the premises suitable? Does the lighting allow staff to check IDs?
- CCTV: Is CCTV installed? Is it positioned to monitor vulnerable areas? Do staff understand its operation?
- Entrances and exits: Is the service till located by the premises entrance?
- Windows: Is there good visibility to and from the premises and the street?
- Security: Is there a sufficient number of staff to ensure control of the premises? Is there an intruder alarm installed? Is the alarm monitored? Do staff greet and acknowledge customers entering the door?

Please see the application emailed to Council on 3 February 2026.

5. Declaration

Item 4 Off Licence Application - General Distributors Limited

I declare that all information provided is true and correct	Yes		
Applicant name	Cara Gibson	Date	04/02/2026

6. Attachment(s)

Identification

NA.pdf [Download file](#)

Certificate of incorporation

Certificate of incorporation.pdf [Download file](#)

Character references of directors

NA.pdf [Download file](#)

Photograph of exterior of the premises

Exterior of premises.pdf [Download file](#)

Map of location within the district

District location.pdf [Download file](#)

Scale plan

Flaxmere UPdated VE-Model updated.pdf [Download file](#)

Other documents

Woolworths Flaxmere - Application for new off-licence - 3 March 2026.pdf [Download file](#)



Certificate of Incorporation
GENERAL DISTRIBUTORS LIMITED
357961
NZBN: 9429039564153

This is to certify that IDDO INVESTMENTS LIMITED was incorporated under the Companies Act 1955 on the 30th day of September 1987 and changed its name to FOODTOWN SUPERMARKETS LIMITED on the 20th day of January 1988 and was reregistered to become a company under the Companies Act 1993 on the 27th day of June 1997 and changed its name to GENERAL DISTRIBUTORS LIMITED on the 1st day of August 1997.

A handwritten signature in black ink, consisting of several loops and a long tail, positioned above the printed name and date of the Registrar of Companies.

Registrar of Companies
19th day of July 2021



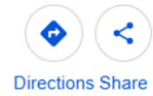
Certificate generated 19 July 2021 11:25 AM NZST

Not applicable

Not applicable



4 Swansea Road
Flaxmere, Hastings 4120





3 February 2026

The Secretary
Hastings District Licensing Committee
Hastings District Council
Private Bag 9002
HASTINGS 4156

By email

Email: customerservice@hdc.govt.nz

**APPLICATION FOR OFF-LICENCE AT 4 SWANSEA ROAD, FLAXMERE –
GENERAL DISTRIBUTORS LIMITED TRADING AS WOOLWORTHS FLAXMERE**

1. We act for General Distributors Limited in relation to the above matter.
2. Please find **attached** an application for a new off-licence for Woolworths Flaxmere.
3. As Council will be aware, construction of Woolworths Flaxmere is well underway and expected to be completed in the near future, with the new store scheduled to open in July 2026.
4. We will promptly pay the required new application fee and annual fee upon receipt of an invoice, and will promptly complete the required Building Code Compliance form in accordance with s 100(f) of the Sale and Supply of Alcohol Act 2012 upon receipt.
5. We note there has recently been a change in GDL's directors, with Mr Chia and Ms Copland appointed as directors.
6. In accordance with the Council's requirements, public notices will be placed on the premises. We request that public notices be placed on the Hastings District Council website.
7. Should you have any queries or require any additional information, please do not hesitate to contact us.

Partners

Frederick Ward
Malcolm Crotty
Joe Windmeyer
Guy Lethbridge
John Powell
Ed Crook
Tim Clarke
David Hoare
Matthew Kersey
David Butler
Craig Shrive
Deemle Budhia
Mei Fern Johnson
Daniel Jones
Allison Arthur-Young
Christopher Curran
David Raudkivi
Tom Hunt
Daniel Minhinnick
Troy Pilkington
Marika Eastwick-Field
Ian Beaumont
Joe Edwards
Benjamin Paterson
Emmeline Rushbrook
Anna Crosbie
David Weavers
Liz Blythe
Nathaniel Walker
William Irving
Kirsten Massey
Cath Shirley-Brown
Simon Pilkinton
Michael Taylor
Greg Neill
Emma Peterson
Sarah Blackmore
Jesse Fairley
Tom Gillespie
Petra Carey
Bradley Aburn
Natalie Steur
Doran Wyatt
Bevan Peachey
Michael Loan
Hannah Wilson
Alex MacDuff
Tony Sycamore
Jeremy Upson
Lauren Rapley
Sarah DeSourdy Hastings
Sam Nelson
Brian Clayton

Yours faithfully
RUSSELL McVEAGH

Cara Gibson
Solicitor

Direct phone: +64 9 367 8016
Direct fax: +64 9 367 8163
Email: GDLalcohollicensing@russellmcveagh.com

3470-7110-0230

1 of 1

russellmcveagh.com

Auckland Level 30, Vero Centre, 48 Shortland Street, PO Box 8, Auckland 1140, New Zealand DX CX10085 P +64 9 367 8000 F +64 9 367 8163
Wellington Level 24, NTT Tower, 157 Lambton Quay, PO Box 10-214, Wellington 6011, New Zealand DX SX11189 P +64 4 499 9555 F +64 4 499 9556
Auckland Level 30, Vero Centre, 48 Shortland Street, PO Box 8, Auckland 1140, New Zealand DX CX10085 P +64 9 367 8000 F +64 9 367 8163
Auckland Level 30, Vero Centre, 48 Shortland Street, PO Box 8, Auckland 1140, New Zealand DX CX10085 P +64 9 367 8000 F +64 9 367 8163

APPLICATION FOR OFF-LICENCE				
To the Secretary The District Licensing Committee Hastings District Council Application for off-licence is made in accordance with the particulars set out below				
Details of applicant				
Full legal name		General Distributors Limited, a duly incorporated private company having its registered office at 80 Favona Road, Favona, Auckland		
Licence already held for premises concerned		No		
Applicant status		Body corporate		
Authority under which the body corporate was incorporated		Companies Act 1993		
Place of incorporation		Auckland		
For applicant that is not a natural person or persons, details of contact person		Cara Gibson 09 367 8016 GDLalcohollicensing@russellmcveagh.com		
Postal address for service		General Distributors Limited c/- Russell McVeagh PO Box 8, Auckland, 1140, New Zealand Attention: Cara Gibson		
Business details		Supermarket operator		
Criminal convictions		N/A		
Full legal names of directors				
Name	Address	Date of Birth	Place of Birth	Designation
Clement Jit Hui Chia	12 Kerema Way, Schnapper Rock, Auckland, 0632, New Zealand	04/09/1970	Kuching, Malaysia	Director
Sally Anne Copland	Apartment 26 Oasis Building, 26 Poynton Terrace, Auckland, 1010, New Zealand	01/10/1978	Masterton, New Zealand	Director
James Burton Radcliffe	30 Ellerton Road, Mount Eden, Auckland, 1024, New Zealand	03/08/1969	Tauranga, New Zealand	Director
Private company capital		Authorised capital: \$102,644 Paid-up capital: \$102,644 Face value of shares: \$102,644		

Full details of each person who holds 20% or more of the shares, or of any particular class of shares, issued by the company	All shares held by Woolworths New Zealand Limited , of 80 Favona Road, Favona, Auckland
Details of premises	
Address	4 Swansea Road, Flaxmere
Legal description	LOT 1 DP 603918
Any name, trading name, or name of building	Woolworths Flaxmere
If not owned by applicant <ul style="list-style-type: none"> • Tenure • Full legal name and address of owner 	Freehold
Type	Supermarket
Floor area	3,460m ²
Whether licence conditional on completion of building work	Yes
Business details	
Is the sale of alcohol intended to be principal purpose of business	No. Principal purpose of the business is to sell groceries, produce, household goods and services usually found within a supermarket.
Whether applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and food	Yes. Non-food groceries, household goods and services usually found within a supermarket.
Days and hours proposed for sale of alcohol	Monday – Sunday, 9.00am – 9.00pm
Conditions	
General conditions	See Attachment A
Attachments	
Certificate of Incorporation	See Attachment B
Floor plan showing any proposed permitted area for the display and promotion of alcohol, and any proposed sub-areas	See Attachment C
Map showing the location of the premises	See Attachment D
Artist's impression of the site	See Attachment E
Draft public notice	See Attachment F
New Zealand Police Supplement	See Attachment G
Fire evacuation letter	To be provided upon completion of the building work.
Details of managers	To be provided prior to the new store opening.

Dated at Auckland this 3rd day of February 2026

GENERAL DISTRIBUTORS LIMITED by its solicitors
and duly authorised agents, Russell McVeagh:



Cara Gibson

ATTACHMENT A – GENERAL CONDITIONS

1. EXPERIENCE AND TRAINING OF THE APPLICANT

- 1.1 General Distributors Limited ("GDL") has a significant amount of experience in managing supermarkets, and in the sale and supply of beer and wine products. In particular, GDL:
- (a) operates over 170 supermarkets with off-licences;
 - (b) has over 20 years experience in the sale of beer and wine products; and
 - (c) serves more than 2.5 million customers across the country each week.
- 1.2 GDL is committed to ensuring that our supermarkets sell and supply beer and wine in a safe and responsible manner. GDL's supermarkets are required to adhere to our Responsible Service of Alcohol Policy ("**Policy**"). A copy of the Policy is attached as **Schedule 1**. GDL acknowledges that it has shared responsibility to prevent alcohol related harm and as outlined in the Policy, GDL aims to be an industry leader in the responsible service of alcohol.

2. STEPS PROPOSED TO BE TAKEN TO PREVENT THE SALE AND SUPPLY OF ALCOHOL TO PROHIBITED PEOPLE

- 2.1 For an off-licence, the two key matters to control when selling alcohol are to ensure that:
- (a) customers are over 18 years of age; and
 - (b) GDL is not unlawfully supplying intoxicated persons.
- 2.2 For any transaction of beer and wine, GDL requires photo identification to be produced for anyone that looks under the age of 25 ("**ID 25 rule**"). All Woolworths supermarkets have clear signage reminding customers and staff of the ID 25 rule.
- 2.3 In accordance with the Policy, GDL only accepts photo identification in the form of a New Zealand driver's licence, passport or HANZ photo identification card. Additionally, it is GDL's policy that supervisors are required to authorise the sale of any beer or wine, rather than the general checkout team.
- 2.4 GDL also ensures that our staff are aware of the requirement not to sell beer and wine to intoxicated persons. GDL requires our employees to undertake training on the identification of the signs of intoxication.
- 2.5 Where a staff member observes a customer showing signs of intoxication or under the influence of alcohol, our staff will not sell any beer or wine to that customer. GDL's premises are brightly lit to enable our customers to be clearly observed. Self-service checkouts are monitored by supervisors as every sale of beer or wine in our stores must be authorised, irrelevant of the age of the purchaser.

3. ANY OTHER STEPS THAT THE APPLICANT PROPOSES TO PROMOTE THE RESPONSIBLE CONSUMPTION OF ALCOHOL

Available products

- 3.1 As a supermarket operator, the only alcoholic products that GDL can sell are beer and wine. An extensive amount of food and non-alcoholic drinks are available for consumption off-premises. GDL offers free beer and wine tasting from time to time. Drinking water will be freely available at free beer and wine tasting in accordance with the Act.

Supermarket layout

- 3.2 Our current supermarket layout and design appropriately minimises the community's exposure to alcohol and reduces the likelihood of alcohol-related harm occurring. The Single Alcohol Area of the store is set out in such a manner as to effectively minimise exposure to alcohol products.

- 3.3 GDL also ensures that our supermarkets comply with the Crime Prevention Through Environmental Design ("CPTED") guidelines. Woolworths supermarkets have extensive security procedures in place, including:

- (a) CCTV;
- (b) alarms;
- (c) contracts with security guards who can be called out to attend the supermarket at short notice;
- (d) usually multiple staff are on site until lock up;
- (e) procedures for recording incidents and managing them, including maintenance of an incident log book; and
- (f) procedures for recording and responding to complaints.

Advertising and promotions

- 3.4 GDL is a member of the Association of New Zealand Advertisers and is committed to complying with the Advertising Standards Authority's Code for Advertising Liquor. As a national supermarket operator, GDL's promotions and advertisements of beer and wine are applied and distributed in a nationally consistent manner.
- 3.5 Woolworths supermarkets have minimal advertising relating to beer and wine and the restrictions on advertising contained in the Act (such as the prohibition on displaying beer or wine advertising outside the single alcohol area) will further limit the location and extent of promotions.
- 3.6 GDL is implementing ongoing training within our staff to ensure compliance with advertising requirements.

- 4. OTHER SYSTEMS (INCLUDING TRAINING SYSTEMS) AND STAFF IN PLACE (OR TO BE IN PLACE) FOR COMPLIANCE WITH THE ACT**
- 4.1 GDL actively encourages the responsible service of beer and wine. To ensure that our staff and management are aware of their responsibilities under the Act, they are trained to adhere to all applicable rules and regulations. Schedule 3 contains excerpts of our training for checkout operators and checkout supervisors.
- 4.2 As part of this training, we require checkout operators and supervisors to watch for inappropriate behaviours. Woolworths supermarkets are open to customers of all ages and the very nature of supermarkets means we service a diverse range of shoppers within each local community. Supermarkets do not have restricted or supervised areas, and conditions to prevent minors from entering Woolworths supermarkets are not appropriate. All staff are also required to be familiar with the Policy.
- 4.3 Every Woolworths supermarket is required to have a sufficient number of certified managers available during all licensed hours. A certified manager is also required to be on duty at all times during the supermarket's opening hours, and the duty manager's name is prominently displayed inside the premises so as to be easily read by people using the premises, as required under the Act.

SCHEDULE 1 – RESPONSIBLE SERVICE OF ALCOHOL POLICY

Responsible Service of Alcohol Policy

Our responsibilities:

As a responsible business in New Zealand, GDL recognises obligations to community for the responsible and legal sale of alcohol.

As a retailer of beer and wine, the company takes its responsibility seriously and aims to be the industry leader in responsible service of these products. The company aims to set a positive example to our customers and to other businesses by complying with and, where appropriate, exceeding legislative requirements.

Our actions:

GDL actively encourages the responsible service of alcohol and staff and management are trained to adhere to all applicable rules and regulations. The penalties for the irresponsible sale of beer and wine by an individual or licensee are severe and so too are the company's internal disciplinary policies.

We don't sell beer and wine below the price we purchased it for

It has been a relatively common assertion that retailers sell beer or wine 'below cost' to gain custom in their stores. In our business, it has been a longstanding policy to not set the regular retail or promotional price of beer or wine below the price we purchased it for*.

1D25

To prevent the sale of beer or wine to anyone under the age of 18 the company has introduced a strict ID25 policy. For every transaction, identification is required if a customer looks under the age of 25 years of age. No proof of age = no sale.

Don't buy it for them

Further, to prevent cases of 'secondary supply', our policy is to request identification for any person in a group where a member of the group looks under the age of 25 and staff member reasonably believes there is a possibility that beer or wine may be being purchased for this person.

At times, the company may need to refuse customers service in order to comply with this policy. While customers may not always be happy when a sale is refused, the company will support the role its staff play in making the right decisions to maintain its commitment as a responsible retailer of beer and wine.

Acceptable forms of ID

Photo identification is the only acceptable form of identification when purchasing beer and wine. We accept, in accordance with New Zealand law, New Zealand photo drivers licence, Passport INZ or International) and the HANZ photo identification card.

In the event of a foreign identification being presented, the on duty Store Manager may then choose to authorise the transaction if they are satisfied that the person is over the age of 18 years and the identification presented includes a date of birth and a photo identification,

Our role in the community:

GDL believes it has a shared responsibility, along with individuals, governments, families and the community, to prevent harm. GDL encourages and promotes the responsible consumption of alcohol and the company proactively supports information campaigns on responsible drinking.

The company participates openly, honestly and transparently in public policy development in this area to represent the best interests of our business, our employees, our customers and our shareholders,

GDL recognises that each community where the company operates is different and actively encourages our store managers to participate in local liquor accords and forums.

SCHEDULE 2 – ALCOHOL, TOBACCO AND AGE RESTRICTED ITEMS POLICY & TRAINING

**Alcohol, Tobacco and Age-Restricted
Items Policy and Training**

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Introduction

As a responsible corporate citizen GDL has many obligations within the community - one of these is the responsible and legal sale and management of liquor, tobacco and age restricted items. This means putting policies, procedures, and training in place to make sure all our team are aware of their responsibilities and know how to carry them out.

As well as the potential negative impact to the community, there are serious consequences for our business and our team if we are found to sell or manage these items irresponsibly or illegally. For these reasons it is very important to read the following module carefully and take the time to understand it.

If you have any questions, please make sure you ask your trainer.

This is an area of our business that customers can often have questions about or will potentially challenge you on. Having the ability to confidently answer questions, or knowing the process to get their queries answered is the key to good customer service while also upholding our responsibilities under the law.

In all instances if you are not comfortable with a customer or you are not clear about what you need to do in any situation, please call your supervisor/ manager/ duty manager to help you.

Sale of Liquor and Tobacco and Instant Kiwi (and other age restricted items)

- It is illegal to sell or supply liquor, tobacco, or Instant Kiwi to anyone under the age of 18.
- It is illegal to sell alcohol to anyone who you have reason to believe will supply alcohol to a minor.
- It is illegal to sell alcohol to anyone who is intoxicated.
- All age restricted items require a Supervisor to authorise the sale.
- Not following the correct processes regarding the sale of liquor and tobacco could leave you personally liable for the following fines:
 - Leaving tobacco visible - up to \$10,000
 - Selling tobacco to an underage person - \$5000 and an instant fine of \$1000
 - Selling liquor to an underage person - \$2000
 - Selling Instant Kiwi to an underage person - \$1000
- Under no circumstances should anyone other than a Supervisor use a Supervisor user ID / password or bar code. Only the Supervisor is permitted to hold a user ID / password or barcode allowing them to authorise the sale of age restricted items. Anyone found using an ID/password that is not their own can face disciplinary action.

All sales of age-restricted items must be authorised by a Supervisor or Duty Manager.

Operator Responsibilities – Sale of Alcohol

As a checkout operator you are the first person to assess the customer, and you need to make a decision about whether you can legally sell that customer alcohol. Although our POS requires a supervisor to authorise a sale, our policy is a 'double check' on alcohol purchases, which means that both you and the supervisor who authorises the sale must be satisfied that the customer meets all the criteria. This is important to ensure that we do not sell alcohol to people who are underage, intoxicated, or who will supply alcohol to a minor.

Sale and Supply of Alcohol Act posters should be on display at checkouts.

The legal responsibility for the sale falls on the checkout operator, as they are considered to be the person selling the goods, even though a supervisor is required for authorisation. You need to make sure you are comfortable with the sale. In all instances the supervisor will back up your decision and will deal with any issues the customer may have as the result of a declined sale. Operators will be fully supported by Management whenever there is a reasonable explanation for refusing the sale of alcohol and or tobacco i.e. their decision will not be overridden. Supervisors do still have the ability and responsibility to refuse a sale even if the operator is willing to process it. Both team members involved in a two person check must be comfortable with the sale in order for it to proceed; this is a vital layer of protection for our team and the company.

If in Doubt – Don't.

If after the correct form of "Proof of Age" is produced and you are STILL IN DOUBT for whatever reason about the age of the person you MUST NOT authorise the sale. This also applies if you think the ID has been tampered with.

Customer Assessment

You need to check the following:

- Do they look 25 or older? If not ask them to present their ID.
- If they don't look 25+, does their ID show that they are they 18 years old or over?
- Ask the customer their name and check it against the picture on the ID.
- Do they have an approved form of ID and is the ID valid? Does it show signs of tampering?
- Are they showing signs of being influenced by drugs or alcohol? To check this you must actively engage with the customer.
- Do you have good reason to believe they are providing alcohol to a minor (i.e. is it a group purchase)?

Each of these checks is explained in more detail below.

The Checkout Operator is legally the person responsible for the sale of alcohol to a customer, even if a supervisor authorises the sale. As a result, **you could personally be charged with an offence and/ or face a fine payable by you of up to \$2,000**. Whenever an ID check is carried out the date of birth from the ID must be entered into POS by the supervisor. Control checks will mean the sale cannot proceed if the customer is underage. This is an important layer of protection for the team.

Woolworths takes it very seriously when any of our team is found to be in breach of the Sale and Supply of Alcohol Act's requirements. Any breach may result in disciplinary action, which may include dismissal. Following procedure and carrying out the checks in a responsible manner will keep yourself safe from these consequences.

Checking ID

Customers who are buying alcohol and look under 25 years old MUST have a New Zealand photo Driver's Licence, HANZ 18+ card, New Zealand or International Passport showing that they are over 18.

- **You** must politely ask to see ID if you are unsure of a customer's age.
- **You** must check that the ID is the right kind of ID, that it relates to the customer and check that it proves the customer is 18 years old or over.
- Unfortunately, International Drivers Licences are not an approved form of ID under the Sale and Supply of Alcohol Act
- If you think that the ID is a fake or has been tampered with you must inform your supervisor
- **Be cautious: You can refuse a sale**, even if your supervisor does not. As the person scanning the alcohol product for sale **you can still be held accountable** and potentially be charged with an offence and/ or face a fine.

See the section on Checking ID for more guidelines.

Providing alcohol to minors

Where we have reasonable belief that a minor would be provided with alcohol, you must request ID from any member of the group who looks under 25.

- If **you** think that the customer is buying alcohol for minors **you must refuse the sale**.
- See the section 'Group Purchases' for guidelines around groups.

Intoxication

It is illegal to sell alcohol to any person who is intoxicated.

- At Woolworths, our policy is to refuse the sale of alcohol to a customer if we believe that the customer is under the influence of alcohol, or drugs.
- As a Woolworths team member, you must also not work if you have been drinking alcohol or taking drugs, other than prescription medication.
- See the section on 'Assessing Intoxication' for guidelines around how to carry this out,

Remember - If in Doubt – Don't Authorise the Sale

Click and Collect Orders

Customers who pick up Click and Collect orders that contain an age restricted product are subject to the same requirements and customers who use the checkouts. If the customer looks under the age of 25, they need to be asked for ID and their age verified. They must be 18 or older to collect the Click and Collect order

Orders Containing Age Restricted Products

It is the responsibility of the online department to indicate clearly which orders contain an age restricted product. The Online Manager must ensure that the online team are aware of this requirement and are carrying it out.

It is the checkout managers responsibility to make sure that the checkout team are carrying out the appropriate ID checks.

Checking ID

Ask yourself – could this person be under 25?

- It is Company policy that all persons believed to be under the age of 25 years must be asked to provide proof of identification before the purchase of alcohol and or tobacco.
- If a staff member knowingly / deliberately fails to ask for proof of age from any person who is purchasing alcohol or tobacco and who appears under the age of 25 years, it will be treated as serious misconduct, subject to disciplinary procedures which may include termination of employment, and possible personal and company fines.

No proof – no purchase

- If any doubt exists about a person's age and upon request they cannot produce an approved form of Proof of Age you MUST NOT authorise the sale nor if you believe the ID is not authentic or has been tampered with.
- ID can be tampered with by:
 - Applying a transparent film that provides a different date of birth and year and any other particulars to those given by the issuing authority
 - Replacing the original photo
- When checking for authenticity:
 - Check the document in a well lit area – e.g. hold it up to the light, do not view it through a plastic sleeve.
 - Handle the document to detect any unusual features such as raised lettering or different type of plastic coating.
 - Look at both sides and the edges of the document for unusual features or imperfections.
 - If still in doubt about the authenticity of the ID or whether the customer is actually the owner of the ID, ask them to sign their signature on a piece of paper and compare the signature on the document.

Remember: the only approved forms of ID are a New Zealand photo Driver's Licence, HANZ 18+ card, New Zealand or International Passport showing that they are over 18.

If in Doubt – Don't Authorise the Sale.

Assessing Intoxication

What is 'under the influence' or 'intoxication'?

Use the following guideline to help assess whether a customer is under the influence of alcohol.

- Be careful when assessing for signs of intoxication as some physical impairments or disabilities may present similarly to some perceived signs of intoxication. It's important that we are careful not to offend a person who has a disability, and be professional in your approach and service.

If you're not sure how to assess a customer, please ask your Supervisor or Duty Manager to help you. If you knowingly sell (or supply via a third person) alcohol to an intoxicated person it may result in Disciplinary Action which in cases of serious misconduct may include Termination of Employment and possible personal and Company fines. **You could also personally be charged with an offence and/ or face a fine payable by you of up to \$2,000**

Intoxication Assessment Tool

Indicators may include but are not limited to:

	SOBER	INFLUENCED	INTOXICATED
S peech	Coherent, clear speech, normal tone/volume, may be talkative.	May be overly talkative, opinionated and interrupts, may stumble over words, becoming loud, inappropriate language, jokes, comments.	Slurring, difficulty forming words, loud, repetitive, loses train of thought, nonsensical, unintelligible.
C oordination	Coordinated, balanced, standing without help or support.	Slowed or delayed reactions, swagger or occasional staggers or sways.	Spills drinks, stumbles, trips, weaves, walks into objects, unable to stand un-aided or sit straight.
A pppearance	Tidy, clear eyes, alert.	Vacant or blank expression, smell of alcohol on breath, may look untidy.	Bloodshot eyes, eyes glazed, inability to focus, tired, asleep, dishevelled.
B ehaviour	Behaving sensibly but may be more relaxed.	Over friendly or withdrawn, inappropriate or risky actions, argumentative, annoying, fading attention, increased consumption rate.	Seriously inappropriate actions or language, aggressive, rude, belligerent, obnoxious behaviour affecting other customers.
	Monitor & serve responsibly	Intervene	Deny & remove

Intoxication definition
INTOXICATED means observably affected by alcohol, other drugs, or other substances (or a combination of two or all of those things) to such a degree that two or more of the following are evident: (a) appearance is affected; (b) behaviour is impaired; (c) coordination is impaired; (d) speech is impaired.



Group Purchases

At Woolworths we reserve the right to request ID when there is a group of people together and one or several of the group are purchasing alcohol.

As a principle, **sales to groups are treated as a transaction with an individual**. The person presenting the alcohol or tobacco is the person completing the transaction.

Where you have reasonable belief that a minor would be provided with alcohol, you must request ID from any member of the group who looks under 25.

- If **you** think that the customer is buying alcohol for minors you must refuse the sale.
- If any of the suspected minors in the group do not have acceptable proof of age ID, the sale is not to be authorised.
- "Reasonable belief" could include the following situations:
 - A pair or a group of young people place alcohol on the conveyor belt together but only one person pays for it.
 - A group of people come in and select alcohol to buy, but one person pays for it while the group is seen waiting outside.
 - You could overhear a customer talking to someone else in the group about what alcohol they may want.
 - You observe pooling of money by minors (persons under 18) and handing the money to a consenting adult before the alcohol/tobacco is bought.
 - A minor (person under 18) refused service and within a short time a consenting adult attempts to purchase the same alcohol/tobacco as the minor had previously attempted to purchase and been declined.

Where a customer is clearly over 25, and is accompanied by a child or children they should be able to purchase alcohol or tobacco unless you have reason to believe and evidence to support that a minor (person under 18) will be provided with alcohol and/or tobacco

If you knowingly sell (or supply via a third person) alcohol or tobacco to anyone under the age of 18 it may result in Disciplinary Action which in cases of serious misconduct may include Termination of Employment and possible personal and Company fines. **You could also personally be charged with an offence and/ or face a fine payable by you of up to \$2,000**

Sale of Alcohol – Store Responsibilities

The Sale and Supply of Alcohol Act came into effect on 18 December 2013. In addition to checkout specific requirements there are some key parts of the law that you must be aware of.

Alcohol Licensing Restrictions

The legal maximum off-licence hours for stores are 7am to 11pm.

- Some stores may have shorter off licence hours. You must only sell alcohol within the licensed hours for your store.
- This means that alcohol cannot be sold outside those licensed or maximum hours.
- POS should not allow a transaction that includes alcohol to complete outside this timeframe.
- Each store must display a copy of the licence and the conditions applying to that licence at all customer entrances, so that customers can read the licence before they enter the store.
- It is important that everyone is aware of the licensing hours for their store.

Online deliveries

- Online deliveries involving alcohol must be completed within the stores licensed hours.
- Click and Collect customers must pick up orders that include alcohol within the stores licensed hours.
- Click and Collect customers collecting orders including alcohol should have their ID checked if they appear to be under 25.
- Online customers must tick that they are over 18 and delivery drivers must check ID on delivery.

Advertising and promotion

- Any alcohol advertising outside the store cannot lead people to believe there is a discount of 25% or more off the ordinary price. This will be managed by the Marketing and Merchandise teams.
- Any alcohol advertising inside the store which shows a discount of 25% or more must not be able to be seen or heard from outside the store.
- If you believe some advertising has been put up in error, you must let a supervisor or duty manager know immediately.

When the store's alcohol licence is renewed

- On the first renewal of your alcohol licence after 18 December 2013, there will be a transition to a single area for the display of alcohol inside the store.
- Once this is in place, all alcohol must be contained within the single alcohol area; there must be no off-location displays and no non-alcoholic products within the area.

Once the single area for alcohol is in place, there can be no advertising or promotion of alcohol outside this area, including any window posters. Tastings must only take place in the single area and there is a requirement to have free drinking water available when tastings are being offered

Tobacco

The sale of tobacco is governed by the Smoke Free Environments (Controls & Enforcement) Amendment Act 2011.

THE INTENT OF THIS LAW IS TO REMOVE TOBACCO PRODUCTS FROM COMMERCIAL DISPLAY.

A person who without reasonable excuse allows a tobacco product, tobacco package, or tobacco carton to be visible is liable to a fine of up to \$10,000.

Unless the product the customer asks for is in the carousel at the register, looking for a tobacco product can cause significant delays. It is important to apologise to the customer for any wait. If you are unsure of the product or where it is kept, ask a supervisor for assistance, and always check with the customer that you have the right item before scanning it.

Signage

In Woolworths stores, there is to be **NO SIGNAGE** that either displays a tobacco product or mentions tobacco or cigarettes. This includes smoking related health warnings. Please Note: The word "Tobacco" in the terms & conditions of fuel offer and other promotional point of sale is permissible.

Display Restrictions

Under the legislation, sellers of tobacco will need to ensure that tobacco products are not visible to the public, either inside or outside their premises.

The law does allow tobacco products to be briefly visible as stock is delivered to the store or in the process of serving a customer. For the purposes of obtaining a tobacco product to complete a customer purchase Operators must ensure that the tobacco storage unit (if in view of customers) is only opened briefly to the extent necessary to retrieve the selected tobacco product and then closed immediately.

Consideration must be given to the time of day that weekly routines are carried out to ensure tobacco products are not made visible to the public.

You may not display tobacco on any checkout counter-tops or non-permanent displays. Only use the permanent tobacco fixtures that your store has been allocated as these are legally compliant. There are no restrictions relating to the display of tobacco accessories such as cigarette papers and filters; however it is GDL's Policy that we will not aggressively merchandise these items. This means that it is okay for these products to be visible, but we will not be building displays promoting these products.

The law restricting the location of children's products to more than one metre from tobacco products no longer applies, however, we should make efforts to avoid locating children's products close to tobacco products or immediately adjacent to locations where tobacco products are dispensed.

Price List

It is not permissible to open cabinet doors to allow customers to view our tobacco range. Instead customers can request to view a price list. This price list is to be kept at the Service Desk in a cupboard or drawer and if your store has Lotto counter in the store entrance i.e. separate to the checkouts a price List must also be kept at the counter in a drawer or cupboard.

THE TOBACCO PRICE LIST SHOULD ONLY BE MADE AVAILABLE ON REQUEST AND NOT DISPLAYED SO THAT IT IS IN VIEW OF GENERAL PUBLIC.

It is acceptable to use the price enquiry function to check tobacco prices for a customer.



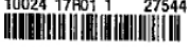

Stock Replenishment

Stock replenishment into carousels or other display units should ideally be performed outside of trading hours. Where that is not possible ensure that:

- Tobacco in storage rooms remains out of customers' view when the storage room is opened.
- Tobacco stock moved in trolleys is fully enclosed in cartons that do not show the tobacco products and do not show tobacco branding. Cartons must not be left opened.
- The team member filling the retail units must start and complete the stock fill at each unit, one at a time. They must not be interrupted to complete any other task.

Ticketing

Shelf tickets for tobacco products must be price suppressed (see example below). These will help you locate products during service and for replenishment. These tickets will also ensure you comply with the required planogram for each tobacco cabinet. The use of tags is meant as a practical way for a seller to locate specific products not as a way of advertising or promoting tobacco.

BENSON & HEDGES PKT RICH 20S 02029 17RD1 10 275241 	BENSON & HEDGES PKT RICH 25S 02111 17RD1 8 275271 
BENSON & HEDGES CTN RICH 10X20S 10024 17RD1 1 275440 	DH NANOCUT BRGNDY 20 69629 17RD1 1 920706 

Enforcement Action Reporting

Smoke Free Environment Officers may from time to time undertake controlled purchase operations using under age persons to attempt to purchase tobacco products and may also check your store for breaches of the Act's obligations relating to signage or unnecessary exposure of tobacco products. Any such incident whether it results in a failure or not, must be reported to your Supervisor.

Age Restricted Movies and Games

In our stores we sell movies and games that have age restrictions. It is important that age restricted movies and games are never sold to anyone under the age of the restriction detailed on the packaging.

Age restricted movies and games fall under the following categories:

- R/RP13 – cannot be sold to anyone under the age of 13
- R/RP15 – cannot be sold to anyone under the age of 15
- R/RP16 – cannot be sold to anyone under the age of 16
- R/RP18 – cannot be sold to anyone under the age of 18

Over the page is a copy of the guidelines poster for more information. You should also be able to find a copy of this poster in the DVD section in your store.

Choosing a movie or game? CHECK THE LABEL

G Suitable for General Audiences
G means anyone can view

PG Parental Guidance Recommended
PG means anyone can view, but guidance from a parent or guardian is recommended for younger viewers

M Suitable for Mature Audiences
M means anyone can view, but it is more suitable for mature viewers

RED means RESTRICTED

R13, R15, R16 or R18 mean it is **ILLEGAL** to show or give the movie or game to anyone under the age stated on the label

RP labels mean it is **ILLEGAL** to show or give the movie or game to anyone under the age stated on the label unless accompanied by a parent or guardian

For more information visit www.censorship.govt.nz or call the Classification Office freephone on 0508 CENSOR (236 767)

Film & Video Labelling Body www.fvlb.org.nz

CENSORSHIP COMMISSION
Te Kaitiaki Takekōwhiri

INTERNAL AFFAIRS
Te Tari Takekōwhiri www.dia.govt.nz

This is not a complete list of all classification labels. The Office of Film and Literature Classification may assign classifications with other restrictions

Lotto and Instant Kiwi

Lotto and Instant Kiwi products are available for purchase in the majority of stores. This can be either from a dedicated kiosk, or a selection of products can be available from checkout lanes.

- Lotto products do not have an age restriction
- Instant Kiwi products cannot be sold to anyone less than 18 years of age. Supervisor authorisation is required for sale through lanes.

Other Age-Restricted Items

In addition to alcohol, tobacco, Instant Kiwi, movies and games there are also some other items that are age restricted such as butane gas and methylated spirits.

These items are loaded in our system as being age-restricted so when you scan them a prompt will show on your POS screen (similar to alcohol and tobacco) letting you know that ID verification will be required. You will need to call your Supervisor to authorise these sales.

Observation Assessment

It is a company requirement that team members are periodically observed while processing an age restricted transaction, to ensure that company procedures are being followed. This observation will be of both supervisor and operator and will be done using a standard checklist, and the outcome will be discussed with the team members observed.

Control Check for Age-Restricted Items

Software in the register system prevents a Checkout Operator from processing age-restricted items without Supervisor intervention and authorisation.

A second control check requires a Checkout Supervisor to physically and then electronically validate that the customer / customers' age complies with the legal age.

The operator must call a Supervisor who will carry out a second assessment of the customer to ensure they are legally able to purchase alcohol or other age restricted items.

If the customer has been asked for ID the Date of Birth must be entered into POS

You need to check the following:

- Do they look 25 or older? If not ask them to present their ID.
- If they don't look 25+, does their ID show that they are they 18 years old or over?
- Ask the customer their name and check it against and picture on the ID.
- Are they showing signs of being influenced by drugs or alcohol? To check this you must actively engage with the customer.
- Do you have good reason to believe they are providing alcohol to a minor (i.e. is it a group purchase)?
- Once the Supervisor is satisfied that the customer is of legal age to purchase the restricted product(s) the Supervisor will enter their user ID and password or scan their Supervisor barcode.

The above points are a summary. All Supervisors must also have read and understood the previous sections in this document for more detail on ID checks, group purchases, and assessing intoxication.

If The Customer:	Then
Is clearly more than 25 years of age	Supervisor (not the Operator) selects [ACCEPT] , this will override the D.O.B prompt
Has been required to produce I.D. to verify their age	The Supervisor must enter the date that is on the identification. The date MUST be entered using DDMMYY format e.g. D.O.B 17.01.1980; enter as 170180 Select [ACCEPT] <i>This is a Company requirement and is evidence of ID checking</i>
If the sale of the age restricted item is not to proceed further: <ul style="list-style-type: none"> • Supervisor is to isolate the stock from the customer's sale • Select [CANCEL] to continue with remainder of transaction. The item will not be registered - it is cleared from the transaction. 	

Information for Supervisors

- Sale of alcohol and tobacco must meet all legislative requirements
- Duty of care to our team.
- Duty of care to our customers

This means that in addition to the responsibilities around authorising sales, you are also responsible for making sure that your department complies with the legal requirements around signage, displays, and licence hours.

Supervisors will be fully supported by Management whenever there is a reasonable explanation for refusing the sale of alcohol and or tobacco i.e. their decision will not be overridden.

Duty of Care to Team

The legal responsibility for the sale of alcohol falls on the operator who processes the transaction. Operators are therefore now required to carry out assessment of the customers, to ask for and validate ID if the customer looks under 25, and to assess the customer for intoxication and potential group purchase.

As a supervisor it is your responsibility to make sure Operators are aware of their responsibilities and to provide support and feedback. Operators need to carry out the assessment to protect themselves from prosecution, helping the team to become confident in asking for ID or refusing a sale is part of your role as a supervisor.

You must back up the decision made by the operator if they refuse a sale. If you believe the decision to be incorrect this needs to be addressed later with the operator as a training exercise. They should never be contradicted on a refusal in front of the customer or other team members.

If the operator wishes to process a sale and you as the supervisor disagree, you must not allow the sale to proceed. When there is a two person check both team members must be comfortable with the sale. As a supervisor you have a higher level of experience and training regarding the assessment of customers and authorisation of age restricted products and it is part of your role to exercise that. This is an important layer of protection for our team and for the company.

Heavy company and personal (staff/employee) fines can be issued for:

- Selling tobacco to an underage person - \$5000 and an instant fine of \$1000
- Selling alcohol to an underage person - \$2000
- Selling to a person buying alcohol/tobacco for a minor (sale to groups)
- Selling alcohol to Intoxicated persons
- Leaving tobacco visible - up to \$10,000

Supervisors must be aware of and be responsible for every sale of alcohol and/or tobacco product before authorising it by being alert and following the correct company policy, processes and procedures.

Duty of Care to Customers

At times Checkout Supervisors may need to refuse customers in order to comply with the law and our policy/procedures. Such situations can be challenging and customers may not always be happy when a sale of alcohol/tobacco is refused.

As a supervisor you must make every attempt to explain clearly and calmly to the customer why they are being refused a sale. The customer does have a right to know why. Do not engage in a debate, if the customer does not accept your explanation offer to call the duty manager/store manager. If the customer wants to make a complaint, offer to call the duty manager/store manager, or advise them they can call our 0800 number or submit a comment via our website.

By abiding by the law and the Company's policy and procedures it may result in losing a sale but it is better to refuse an irresponsible sale and comply with the law than run the risk of incurring:

- Large personal and company fines (as outlined above)
- A criminal record
- Possible disciplinary action that may result in termination of employment
- The possibility of loss of alcohol licence

You are under no obligation to sell alcohol or tobacco if it is irresponsible to do so. The company supports your role in making the right decisions to ensure we are responsible and abiding with the Sale and Supply of Alcohol Act and our legal obligations around the sale of tobacco.

Restrictions on Supervisor Privileges

Supervisors who are operating a register, either for an operator shift, or during a busy period during a supervisor shift, cannot authorise transactions involving age restricted items. They must call over the team member who is supervising checkouts to carry out the second check.

Team with supervisor privileges are to be set up with a second POS login with operator privileges only. They must use this to sign in whenever they are operating a register. They are not to use their supervisor code to clear a control check while operating a register. This does not apply to the Store Manager, ASM, SAM, Duty Managers (Licence Holders), or Checkout Managers. Only these team are able to authorise alcohol without a second check.

It is imperative that you DO NOT "cheat the system" and/or processes by:

- Using their supervisor code to authorise transactions while they are an operator.
- Giving Supervisor privileges to operators during busy periods or when operators are on express lanes to avoid alcohol / tobacco authorisation
- Allowing your Supervisor password or barcode to be given out or become known by other employees. This is not permitted under any circumstances. In the event that you suspect your password is known by others or you misplace your barcode you must change your password immediately
- Allowing Operators with Supervisor privileges to leave their checkout and enter their password or scan their barcode for another operator while they are in the process of serving customers or are deemed to be an operator. This is poor customer service and is not acceptable.

- Barcodes/lanyards must not leave the store.
- If you lose or misplace your barcode you must immediately change your password to deactivate it.
- SCO Attendants who are not supervisors are to destroy their barcode at the end of their shifts.

If any of the above occurs it may constitute serious misconduct and therefore subject to disciplinary procedures which may include termination of employment.

Signage at Checkouts

The current age restricted signage must be displayed on every checkout including one at SCO. It is the checkout supervisors responsibility to check that these are in place, and replace any that are missing.

Refunds and Returns

It is our policy that no refunds or exchanges of alcohol products will be processed outside of the liquor trading hours. The legal maximum off licence hours for all stores is 7am until 11pm (unless your store's alcohol licence is for fewer hours than this). You must not process any form of transaction involving alcohol outside of the stores licensed hours.

Refund or exchange transactions involving alcohol products are not to be carried out for any customer who is under 18. Since a person who is under 18 could not have legally purchased the product, it is not theirs to return and so we are not under any obligation to process the transaction. An ID check should be carried out if the customer appears to be under 25.

As a responsible alcohol retailer we are also concerned if a minor has access to alcohol. If a refund or exchange transaction is refused on the ground of age, this should be recorded in the Tobacco, Alcohol, and Security Incident Register and the local police should be notified (**not** a 111 call).

Age Restricted Items at SCO

As with standard POS a control check function is in place on SCO's for whenever alcohol, tobacco or age restricted items are scanned. All of the Tobacco, Alcohol, and Age Restricted Item Policy applies to SCO transactions.

- SCO Attendants who are not supervisors must destroy their barcodes at the end of each shift

Tobacco, Alcohol, Security Register

- Whenever there is an incident that occurs on the store premises involving the conduct of a customer or potential customer, with the sale of tobacco or alcohol, an incident report form must be completed.
 - o E.g., an intoxicated customer is asked to leave the store,
 - o A customer is refused sale due to intoxication or a suspected group purchase.
 - o A customer is disputing our compliance with the law,
 - o A customer is disputing the legality of our liquor policy.

- The Duty Manager must sign the form to ensure that it is completed correctly and if not involved in the incident he/she must sign the form to confirm that they are aware of what has occurred. The Duty Manager is also responsible for passing onto his / her Line Manager all relevant information about the incident.
- The Incident Register must be kept in store at all times.
- It is to be kept at the Customer Service Desk in a safe place where it is easily accessible for all staff to use and for Store Management and Support Office staff.
- The Store Manager is responsible for the ongoing use of the Register and ensuring that it is correctly and consistently utilised by all staff.

Information for Duty Managers

During your shift, you are the person who has overall responsibility for the display and sale of alcohol to our customers. If we fail to meet our legal obligations you could personally be charged with an offence and face a fine of up to \$20,000.

Alcohol Licensing Restrictions

- Stores must display signage at each customer entrance which shows when they are open for the sale of alcohol. This must be visible from outside the store.
- Each store must display a copy of the licence and the conditions applying to that licence at all customer entrances, so that customers can read the licence before they enter the store.
- The legal maximum off licence hours for all stores is 7am until 11pm (unless your store's alcohol licence is for fewer hours than this).
- Online deliveries involving alcohol must be completed within the stores licensed hours. Click and Collect customers must pick up any order that includes alcohol within the stores licensed hours.
- Any alcohol advertising outside the store cannot lead people to believe there is a discount of 25% or more off the ordinary price. This will be managed by the Marketing and Merchandise teams.
- Any alcohol advertising inside the store which shows a discount of 25% or more must not be able to be seen or heard from outside the store.

Responsibilities

- A Duty Manager must be on duty at all times that alcohol is being sold, and their name must be displayed on the noticeboard. It is an offence to have an incorrect name displayed.
- You must ensure that shift handover is completed properly when you start and leave your shift. This includes making sure that the name of the duty manager for the current shift is correctly displayed at the start of the shift. It also includes making sure that the incoming Duty Manager is aware of any relevant incidents and information.
- Being on duty means being in the building, contactable and easily able to access the checkouts quickly, within no more than 2-3 minutes. This means that you should hand over to another licensed person and update the noticeboard if you:

- o Leave the store for any reason
- o Are working in a part of the store where you can't be easily contacted (e.g. driving a forklift unloading trucks)
- o Dealing with an emergency or issue which is likely to require your attention for an extended period of time (e.g. an accident in the car park)
- You must conduct the premises with the aim of reducing alcohol related harm.
- A District Licensing Committee will now look at how a store operates in the area and its surrounds when renewing off-licences. If you become aware of staff or customer behaviour that affects the store or its neighbours (such as graffiti, drinking alcohol in the car park, or broken bottles) you must inform the store manager.
- As a Woolworths team member it is illegal to be intoxicated on duty.

You must take all reasonably practicable steps to ensure that the store complies with its licence and the Act, including the following;

- A Team Member with a Manager's Certificate must be on duty at all times that alcohol is being sold, and their name must be displayed on the noticeboard. It is an offence to have an incorrect name displayed.
- You must make sure the checkout team and supervisors know, understand and comply with their obligations. You must comply with these obligations as well.
- No alcohol is allowed to be drunk on the premises, unless it is a genuine tasting for customers. Staff on duty must not participate in these tastings.
- Where a tasting of alcohol is offered to customers, the Act requires that water must be made available.
- Any drunk, violent, quarrelsome, insulting, or disorderly customers must immediately be asked to leave the store, including the car park. If they refuse, call the Police immediately.
- If your store's licence has a single alcohol area, at the beginning of your shift you must check that alcohol and any promotions for alcohol are only displayed within that area. (Note this applies only to those stores with a single alcohol area in their licence.)

If your store's licence has a single alcohol area, there are other responsibilities that you will need to be aware of in relation to the display and promotion of alcohol within the store. These will be explained and discussed with you on renewal of your licence.

Show You Know

1.	Who are you not permitted to supply alcohol, tobacco or Instant Kiwi to?
2.	When must you ask a customer for identification?
3.	What are the three forms of acceptable identification?
4.	How should you respond to someone who cannot produce acceptable identification?
5.	What is a secondary purchase?
6.	If there is an incident in store involving alcohol and or tobacco purchase what should you do?
7.	What knowledge must you have before you refuse the sale of alcohol and or tobacco to a customer if you consider the purchase to be a secondary purchase?
8.	What are the restrictions around advertising of specials for alcohol?
9.	What is the purpose of the law regarding the sale and display of tobacco products?
10.	How can you tell if a group sale might be taking place

11. How do you decide whether a customer is under the influence of drugs or alcohol and what signs would you look for to determine this?
12. If you do sell alcohol or tobacco to anyone under the age of 18 years of age what are the possible consequences to: YOU: THE COMPANY

Sign Off Sheet – Age Restricted Items

Policy Version 10

Everyone learns differently, if you do not understand any of the policies or procedures in this document discuss this with your trainer **before** signing below.

I confirm that I have been trained and educated on the company policy/procedures relating to the Processing the sale of Age-Restricted items. I understand and acknowledge all the procedures that must be followed. I have also been made aware that a breach of this policy /procedure may result in Disciplinary Action which in cases of serious misconduct may include Termination of Employment.

Employee's Signature: Date

Employees full name: Date

Employees position: Date

I confirm that the above mentioned information has been provided to and understood by the employee listed as part of their training in _____ store.

Trainer's Signature: _____ Date

Trainers Full name : _____ Date

SCHEDULE 3 – CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN CRITERIA

Criteria	Standalone Supermarkets	Supermarkets Within Malls
Safe movement and connections	Clear pedestrian and traffic routes are provided through the supermarket car park to the store entry. This maintains good visibility, unhindered sightlines and casual surveillance.	Clear pedestrian and traffic routes are provided through the mall car park and to the supermarket entry. This maintains good visibility, unhindered sightlines and casual surveillance. Within the mall pedestrian connections to the supermarket entry are clear.
	Car parks have open expansive areas, are brightly lit (within the requirements of the district plan or resource consent) and avoid entrapment areas. This maintains good visibility, clear sightlines in and out of the parking area and casual surveillance.	Malls control lighting in car parks. These areas are required to be well lit. This maintains good visibility, sightlines and casual surveillance.
	Clear pedestrian aisles are provided for customers within the supermarket.	Clear pedestrian aisles are provided for customers within the supermarket.
	High quality directional signage is provided to make sure entrances and exits are clearly identifiable. Entrapment spots are minimised.	High quality directional signage is provided to make sure entrances and exits are clearly identifiable. Typically entrapment spots are minimised.
Surveillance, sightlines and visibility	There is individual interaction at the check-out, making it easier to observe customers.	There is individual interaction at the check-out, making it easier to observe customers.
	Good visibility, sightlines and surveillance are provided through visual connection between the supermarket and the car park.	Visibility, sightlines and surveillance are provided through good sightlines. Mall car parks also tend to have active security features, such as security guards.
	Check-out operators are positioned closest to the supermarket entry with clear visibility into the store.	Check-out operators are positioned closest to the supermarket entry with clear visibility into the store.
	Store lighting is bright with no dimmed areas or dark corners.	Store lighting is bright with no dimmed areas or dark corners.
	Concealment spots are minimised and tend to be blocked off from public access (eg loading areas) or supplemented with other security features (eg CCTV).	Concealment spots are minimised and tend to be blocked off from public access (eg loading areas) or supplemented with other security features (eg CCTV and security guards).

Criteria	Standalone Supermarkets	Supermarkets Within Malls
	Landscaping and streetscape features are designed so that they do not overly impact visibility in order to maintain passive and active surveillance.	Landscaping and streetscape features are designed by the mall, but typically landscaping and streetscape features are located on the footpath.
Layout	Supermarket car parks have a simple layout with a clear destination point.	Mall car parks have a significant amount of signage to support safe movement.
	Ground level building facades are of a high design quality and generally provide visibility between the supermarket and customer parking areas.	Parking areas for malls maintain expansive views in so far as is practical.
	Entrances are clearly signposted and accessible.	Entrances are clearly signposted and accessible.
	Entry areas are large and glazed providing clear visibility into the store.	Entry areas are large and glazed providing clear visibility into the store.
Activity mix	Informal surveillance is provided through visual connectivity between the supermarket and the car park where possible. This is supplemented with CCTV, staff (eg collecting shopping trolleys), high customer numbers and security guards on occasion.	Informal surveillance is supplemented with CCTV, staff (eg collecting shopping trolleys), high customer numbers and parking wardens/security guards on occasion.
	The high customer demand for supermarkets assists to create an informal surveillance network. In effect a supermarket contains a mix of shopping destinations, even at night.	The high customer demand for malls assists to create an informal surveillance network. Malls contain a mix of shopping destinations, even at night.
Sense of ownership and maintenance	Car park areas are well maintained and kept clear of graffiti and rubbish.	Car park areas are well maintained and kept clear of graffiti and rubbish.
	Car parks are monitored to make sure that customers are not loitering and security guards can be called to assist resolving specific issues.	Car parks are monitored to make sure that customers are not loitering and security guards can be called to assist resolving specific issues.
	Design fixtures are resilient to vandalism where appropriate.	Design fixtures are resilient to vandalism where appropriate.

Criteria	Standalone Supermarkets	Supermarkets Within Malls
	Store manager responsible for maintenance of supermarket controlled areas.	Mall management is specifically responsible for maintenance and control of public areas within malls.
Internal layout	Checkouts are positioned near exit flows.	Checkouts are positioned near exit flows.
	Checkout operations are positioned near exit flows and closest to the supermarket entry with clear visibility into the store.	Checkout operations are positioned near exit flows and closest to the supermarket entry with clear visibility into the store.
	Store lighting is bright with no dimmed areas or dark corners.	Store lighting is bright with no dimmed areas or dark corners.
	Checkouts are raised.	Checkouts are raised.
	Safes are not within public view.	Safes are not within public view.
	Aisle widths are wide and spaces open.	Aisle widths are wide and spaces open.

ATTACHMENT B – CERTIFICATE OF INCORPORATION

3443-2582-6067

4



Certificate of Incorporation
GENERAL DISTRIBUTORS LIMITED
357961
NZBN: 9429039564153

This is to certify that IDDO INVESTMENTS LIMITED was incorporated under the Companies Act 1955 on the 30th day of September 1987 and changed its name to FOODTOWN SUPERMARKETS LIMITED on the 20th day of January 1988 and was reregistered to become a company under the Companies Act 1993 on the 27th day of June 1997 and changed its name to GENERAL DISTRIBUTORS LIMITED on the 1st day of August 1997.

A handwritten signature in black ink, consisting of several loops and a long vertical stroke at the end.

Registrar of Companies
19th day of July 2021



Certificate generated 19 July 2021 11:25 AM NZST

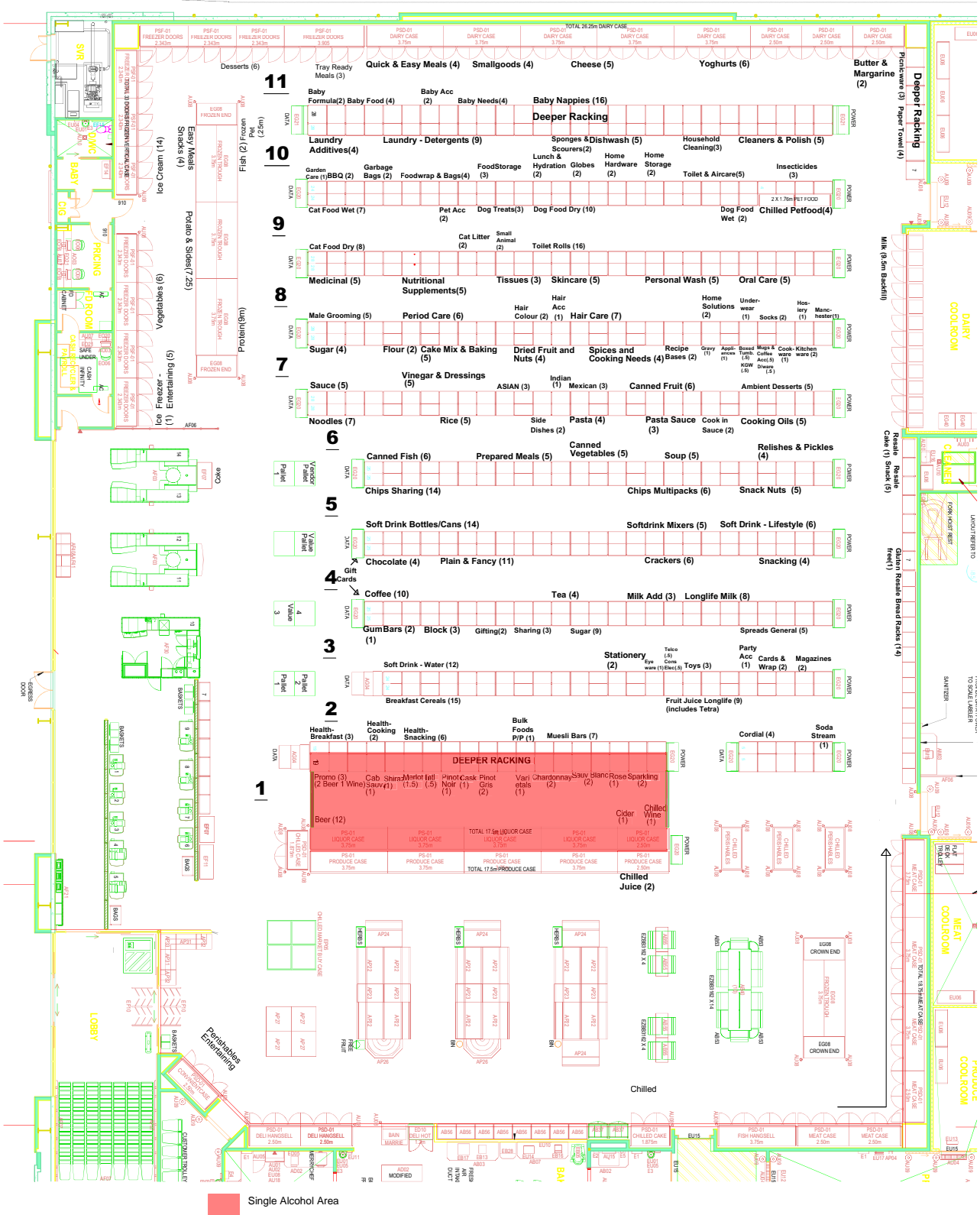
ATTACHMENT C – FLOOR PLAN

3443-2582-6067

5

9702 - FLAXMERE 16-12-25 - DRAFT

(Not for Construction Issue - Merchandise purposes only)



ATTACHMENT D – MAP OF THE PREMISES

3443-2582-6067

6

ATTACHMENT E – ARTIST'S IMPRESSION

3443-2582-6067

7



ATTACHMENT F – DRAFT PUBLIC NOTICE

3443-2582-6067

8

Public Notice of application for off-licence
Section 101, Sale and Supply of Alcohol Act 2012

GENERAL DISTRIBUTORS LIMITED, a duly incorporated company having its registered office at 80 Favona Road, Favona, Auckland has made application to the District Licensing Committee at Hastings District Council for the issue of an off-licence in respect of the premises situated at 4 Swansea Road, Flaxmere, known as Woolworths Flaxmere.

The general nature of the business to be conducted under the licence is that of a supermarket.

The days on which and the hours during which alcohol is intended to be sold under the licence are: Monday to Sunday 9.00am – 9.00pm for consumption off the premises.

The application may be inspected during ordinary office hours at the office of the Hastings District Licensing Committee, Hastings District Council, 207 Lyndon Road East, Hastings.

Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 25 working days after the date of publication of this notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Hastings District Council, Private Bag 9002 Hastings 4156.

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in section 105(1) of the Sale and Supply of Alcohol Act 2012.

ATTACHMENT G – NEW ZEALAND POLICE SUPPLEMENT

3443-2582-6067

9

New Zealand Police Supplement



The District Licensing Committee must send the application to a member of Police in charge of the Police Station nearest to the premises for which the licence is sought for them to report on. You are entitled to receive a copy of that report.

The Police cannot report unless you consent to them releasing relevant information to the District Licensing Committee, which may include details of previous convictions.

Please complete below (Applicant):

I, General Distributors Limited

of (address) 80 Favona Road, Mangere, Auckland

consent to the New Zealand Police releasing those details.

Signature of applicant: 

Date: 3 February 2026

Please provide the following information for identification purposes:

Date of birth: 20 March 1998 Female Male

Driver's licence number/passport number, or similar: DQ067120

Safer Communities Together



HERETAUNGA HASTINGS DISTRICT COUNCIL

🔍 ✉️ ☰ MENU

DO IT ONLINE POPULAR LINKS

🏠 > Alcohol Licensing > Recently received alcohol applications

Keyword: #licenceapplications

General Distributors Limited

General Distributors Limited



Date: 11 February 2026
Status: OPEN

Notification Expiry: 18 March 2026

PUBLIC NOTICE

Section 101, Sale and Supply of Alcohol Act 2012 Public notice of application for a **new Off Licence**.

General Distributors Limited has made application to the DISTRICT LICENSING COMMITTEE IN HASTINGS for a **new Off licence**; in respect of the premises situated at the **4 Swansea Road, Flaxmere** known as **Woolworths Flaxmere**. The general nature of the business conducted under the licence is a **Supermarket**. The days on which, and the hours during which, alcohol is (or is intended to be) sold under the licence are **Monday to Sunday 9.00 am to 9.00 pm**.

The application may be inspected during ordinary office hours at the office of the HASTINGS DISTRICT LICENSING COMMITTEE AT LYNDON ROAD EAST, HASTINGS. Any person who is entitled to object and who wishes to object to the issue of the licence may, not later than 25 working days after the date of the publication of the first notice, file a notice in writing of the objection with the Secretary of the District Licensing Committee at Hastings District Council, Private Bag 9002, Hastings 4156.

No objection to the issue of a licence may be made in relation to a matter other than a matter specified in Section 105(1) of the Sale and Supply of Alcohol Act 2012. This is the first/second publication of this notice.

THIS PUBLICATION WAS MADE ON: 10 February 2026/ 18 February 2026

11 February 2026

Sue J. Fraser

From: Diack, Tania <Tania.Diack@fireandemergency.nz>
Sent: Thursday, 12 February 2026 11:42 AM
To: Sue J. Fraser
Subject: RE: 29/OFF/002/26 - General Distributors Limited
Attachments: 29OFF00226 Application for Off-Licence General Distributors Limited.PDF;
29OFF00226 Application for Off-Licence General Distributors Limited - Plans.PDF;
29OFF00226 Application for Off-Licence General Distributors Limited - Supporting Documents.PDF

Kia ora Sue,

We advise that the building does not have an approved Evacuation Scheme and may require an Evacuation Scheme in respect of the Fire and Emergency Act.

Ngā mihi,

Tania Diack

Advisor Risk Reduction / Kaitohutohu Whakaheke Mōrea
Hawke's Bay District



M: 027 212 9106
Tania.Diack@fireandemergency.nz
www.fireandemergency.nz

Single Alcohol Areas (S.112-114)

- 1.1 This attachment provides supplementary information and analysis relevant to the evaluation of the proposed Single Alcohol Area (SAA) for the Woolworths Flaxmere supermarket application. It is provided to assist the Committee in considering the SAA's location, design, and exposure characteristics in light of the statutory requirements under sections 112–114 of the Sale and Supply of Alcohol Act 2012.
- 1.2 The material includes legal guidance, spatial and pedestrian-flow pathways, comparative data from other supermarkets, and observations on potential exposure patterns.
- 1.3 An illustrative alternative layout is included for comparative purposes only, to highlight factors relevant to assessing exposure.
- 1.4 This document has been legally reviewed to confirm the accuracy of all references to legislation, case law, and regulatory requirements.

2.0 STATUTORY FRAMEWORK AND LEGISLATIVE INTENT

- 2.1 These provisions of the Act were developed in response to concerns raised with the Law Commission, and experienced by communities, that alcohol was pervasive and intrusive within supermarkets and grocery stores.
- 2.2 Through the Act and associated research alcohol is clarified as a "privileged" category of goods. Unlike staples such as bread or milk, it confirms that alcohol is not an ordinary good under the Act and is subject to special regulation and controls, distinct from other types of goods.
- 2.3 **The Act - Section 112 -114**

Section 112 Compulsory conditions relating to display and promotion of alcohol in single area in supermarkets and grocery stores

- (1) The purpose of this section and [sections 113](#) and [114](#) is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets and grocery stores to displays and promotions of alcohol, and advertisements for alcohol.
- (2) The licensing authority or licensing committee concerned must ensure that, when it issues or renews an off-licence for premises that are a supermarket or grocery store, it imposes on the licence a condition describing one area within the premises as a permitted area for the display and promotion of alcohol.
- (3) On the renewal of an off-licence for premises that are a supermarket or grocery store, any single-area condition imposed when the licence was issued (or was last renewed) expires.
- (4) Subsection (3) is subject to [section 115\(4\)](#).

113 Prescribing alcohol areas

- (1) The licensing authority or licensing committee concerned must have regard to section 112(1)—
 - (a) when describing an alcohol area; and
 - (b) when taking any other action under this section; and
 - (c) when forming any opinion for the purposes of this section.
- (2) An alcohol area must be described by means of a plan of the footprint of the premises concerned (or, in the case of premises on more than one level, a plan of the footprint of the level on which the area is or is to be located) showing—

- (a) the proposed configuration and arrangement (or, in the case of the renewal of a licence, the existing or any proposed new configuration and arrangement) of the premises or level;
and
(b) the perimeter of the area.
- (5) The authority or committee must describe an alcohol area within the premises only if, in its opinion,—
- (a) it is a single area; and
(b) the premises are (or will be) so configured and arranged that the area does not contain any part of (or all of)—
- (i) any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or
(ii) any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes.
- (6) For the purposes of this section and [section 114](#), **general point of sale** means anything that is—
- (a) a checkout, till, or cashbox where goods other than alcohol (or alcohol and goods other than alcohol) may be bought; or
(b) a device by which goods other than alcohol (or alcohol and goods other than alcohol) may be paid for without the involvement of any person other than the buyer.

114 Effect of single-area conditions

- (1) Every single-area condition takes effect as a condition that the licensee of the premises concerned must ensure that—
- (a) no display or promotion of, or advertisement for, alcohol occurs on the premises at any place outside the alcohol area; and
(b) the premises are not reconfigured or rearranged in a way whose effect (whether intentional or not) is that the alcohol area contains—
- (i) any area of the premises through which the most direct pedestrian route between any entrance to the premises and the main body of the premises passes; or
(ii) any area of the premises through which the most direct pedestrian route between the main body of the premises and any general point of sale passes.

2.4 Discussion Section 112

- 2.4.1 The purpose of sections 112–114 is to give effect to the Act’s harm-minimisation objective by limiting, so far as reasonably practicable, the exposure of shoppers to the display, promotion, and advertisement of alcohol. This is generally achieved through the requirement for a Single Alcohol Area (SAA)—a restrictive mechanism designed to prevent alcohol from being integrated into the general grocery environment.

Meaning of ‘limit’

- 2.4.2 The term “limit” has its ordinary dictionary meaning which is to restrict or restrain. It is not aimed at a total proscription and is not capable of being interpreted as including a limitation so extensive that nothing remains. In this context, to limit must be seen, therefore, as to circumscribe, restrict or reduce.¹

Definition of Reasonably practicable

- 2.4.3 As stated in Westlaw - The standard of “so far as is reasonably practicable” comprises the following considerations:
- (a) the requirement is not absolute.

¹ See [Christchurch Medical Officer of Health v J & G Vaudrey Ltd \[2015\] NZHC 2749, \[2016\] 2 NZLR 382](#), per Gendall J, at [16(b)] and [80]–[81].

(b) the physical possibility or feasibility of a task or course of action is not synonymous with reasonable practicability.

(c) ascertaining what is reasonably practicable entails a balancing exercise between the benefit sought to be secured and the sacrifices that would be occasioned by securing that benefit (such as costs, time, difficulty and convenience)

(d) the assessment is to proceed on the basis of information known at the time the decision is made; and

(e) the meaning of "reasonably practicable" is not static — it will respond to the context in which it is used.

2.4.4 Expressed in another way, the obligation requires all reasonable steps to be taken, or to do that which would not be unreasonable in the circumstances. It is primarily, factually orientated. Inherent in it is the notion of proportionality. The weighing of issues such as costs, time, difficulty and inconvenience is against the desired object of the Act. It is a narrower term than physically possible. The obligation incumbent on the relevant body in relation to the SAA condition is to ensure that the condition limits the exposure of shoppers to alcohol.

2.4.5 Section 112(1) refers to "so far as is reasonably practicable." The High Court and ARLA decisions in *Rainger v General Distributors Ltd* ([2019] NZHC 3483; [2020] NZARLA 100) confirm that where an objector has proposed an alternative SAA it is necessary for the decision-maker to consider the proposed alternative and assess whether it is reasonably practicable, and to compare the benefits and sacrifices arising from the adoption of that alternative proposal with those relevant to the applicant's proposed area in light of the purpose of limiting shoppers' exposure to displays of alcohol so far as is reasonably practicable.²

2.4.6 In *General Distributors Ltd v Thames Coromandel District Licensing Inspector* [2024] NZARLA 26, the Authority considered a layout where shoppers could see alcohol without entering the SAA. The Authority made clear that the key overriding consideration is limiting exposure of alcohol to shoppers.³

2.5 Discussion Section 113

2.5.1 Under section 113(5)(b), a Single Alcohol Area (SAA) **must not be located on the most direct pedestrian route** between:

- (i) the **entrance** to the premises and the **main body** of the premises; or
- (ii) the **main body** of the premises and any **general point of sale**.

Definitions of "general point of sale" / "Entrance" / "Main body"

2.5.2 The "general point of sale" is defined in the Act and includes a device by which goods other than alcohol (or alcohol and goods other than alcohol) may be paid for without the involvement of any person other than the buyer (ie a self-serve till). "Entrance" is in its practical sense. "Main body" is not defined, however, in *Medical Officer of Health v G & B Hasler Ltd*, the High Court stated that while "main body" is not defined, it is understood to mean the part of the store where a shopper is able to enter, select items for purchase, and

² See *Rainger v General Distributors Ltd* [2019] NZHC 3483, at [40]; *Rainger v General Distributors Ltd* [2020] NZARLA 100, at [106].

³ *General Distributors Ltd v Thames Coromandel District Licensing Inspector* [2024] NZARLA 26, at [139].

take them to the point of sale without passing through the delineated alcohol area. The main body is not necessarily the entirety of the premises; it is a matter of degree and judgement for the licensing committee or authority, depending on the configuration and arrangement of the store.

2.5.3 *Rainger v General Distributors Ltd* [2020] NZARLA 100 set out the legal principles that apply when district licensing committees, and the Authority on appeal, describe single alcohol area conditions, and the first four of these are:

(a) [s 112\(1\)](#) is not itself an operative provision but sets out the specific purpose of the three-single area provisions in [ss 112-114](#);

(b) the dual requirements in [s 113\(5\)](#) are prerequisites to the function of describing an alcohol-area;

(c) the role of the decision-maker is to describe an area which it considers best accords with the purpose and object of the Act, the purpose more specifically stated in [s 112\(1\)](#), together with the requirements mandated in [s 113\(5\)](#) — that is, the decision-maker must

(i) be satisfied that the proposed area is a single area;

(ii) be satisfied that the proposed area complies with [s 113\(5\)](#);

(iii) consider whether the proposed area limits, so far as is reasonably practicable, the exposure of shoppers to displays, promotions and advertisements of alcohol;

(d) when forming the [s 113\(5\)](#) opinions and in undertaking the [s 113\(2\)](#) description of the alcohol area by means of a plan, the relevant body must consider whether and to what extent the proposed single area limits, so far as reasonably practicable, shopper's exposure to alcohol displays, promotions and advertisements;

2.5.4 The statutory intent behind Section 113 is therefore to ensure that alcohol is a destination purchase. A layout consistent with the Act may allow:

- A shopper intending to buy alcohol to make a conscious decision to enter the SAA.
- A shopper with no intent to buy alcohol to complete a typical grocery shop without needing to pass through the SAA.

2.6 Case law guidance

2.6.1 No directly comparable case law has been identified involving a supermarket layout with alcohol located in a position equivalent to that proposed in this application. The Committee may nonetheless draw guidance from established legal principles and relevant decisions.

2.6.2 *General Distributors Ltd* [2018] NZARLA 267, clarified that the Act does not require alcohol areas to be in a separate room or alcove entirely away from other products. In that case the SAA was in the final aisle of the store. ARLA held that:

*As we have previously said in *Lockyer Holdings (2007) Limited v Medical Officer of Health (Mid Central Health)*¹², bypassing an alcohol area is a different concept from going through it. It is going through a single alcohol area that is prohibited in terms of [s 113\(5\)](#) of the Act. Unlike the situation that would have existed if the alcohol area comprised both sides of the aisle, on any understanding of the main body of the store it cannot be said that people go through the alcohol area.*

2.6.3 A factor in that case was also that the premises was about to be demolished, a new premises already being in construction at the time. On that basis it was accepted that the cost and inconvenience of rearranging the premises was seen, on balance, to be disproportionate.

- 2.6.4 The Authority in this case found that while the alcohol area was located within the main body of the premises, it did not breach the Act so long as the area was not part of a prohibited direct pedestrian route. Bypassing an alcohol area is distinguished from going through it, and the latter is what the Act prohibits.
- 2.6.5 In *Lockyer Holdings Limited v Medical Officer of Health* [2015] NZARLA PH 191, ARLA found the DLC's conclusion that the most direct route would pass through the alcohol sales and display area to be factually incorrect. It is going through a single alcohol area that is prohibited in terms of [s 113\(5\)](#) of the Act.⁴
- 2.6.6 Similarly, in *Sargent v Kapati Supermarket Ltd* [2015] NZARLA PH 194, ARLA confirmed that single alcohol area cannot be in a location where the most direct pedestrian route between the main body of the premises and the general point of sale passes through it. The Authority confirmed that the legislative requirements do not mandate limiting exposure at all costs, but the layout must not force customers to traverse the alcohol area en route to or from the main body of the store or the checkouts.

Applicant Submissions in relation to SAA's

- 2.6.7 In prior applications and stated by the applicant in case law, GDL representatives have submitted that:
- Small SAAs located toward the rear of the store limit exposure to alcohol displays from the entrance and point-of-sale areas (see *Rainger v General Distributors Ltd* at [109]–[111]).
 - Screening through surrounding shelving and dense end-style racking can mitigate aisle-end visibility of alcohol displays (see *Rainger v General Distributors Ltd* at [109]–[111]).
 - Relocating or redesigning the SAA may have operational or cost implications for the supermarket operator (as raised in evidence from GDL representatives in supermarket licensing cases and in correspondence with the Inspector regarding this application).

2.7 The “Reasonably Practicable” Comparative Exercise (s 112)

Legal Context

- 2.7.1 As established in *Rainger v General Distributors Ltd*, decision-makers must perform a comparative exercise when alternatives are proposed for a Single Alcohol Area (SAA). This step occurs after determining that the SAA satisfies s 113(5)(a) and (b) and involves assessing whether the proposed layout limits shopper exposure to alcohol “so far as is reasonably practicable.” The exercise applies not only to aisle-end displays but also to the overall placement and configuration of the SAA within the premises.
- 2.7.2 Consideration of Alternatives – The process includes reviewing:
- Potential alternative perimeters or locations for the SAA that could reduce exposure.
 - The comparative benefits and sacrifices of adopting an alternative layout versus the applicant's proposal.
 - Whether a sequestered or destination-style layout would achieve better compliance with s 112 without imposing unreasonable operational constraints.
- 2.7.3 Key Principles from Case Law - The following points guide the s 112 comparative exercise:

⁴ *Lockyer Holdings Limited v Medical Officer of Health* [2015] NZARLA PH 191, at [20].

- The decision-maker must have regard to any alternative SAA configuration that is reasonably practicable.
- Delineation of the SAA perimeter is a statutory responsibility of the decision-maker; subject to the statutory framework - this does not involve prescribing shelf layout within the area.
- If the SAA is found not to limit exposure as reasonably practicable, the decision-maker may:
 - Decline the application; or
 - Indicate willingness to approve the application if a revised plan with an acceptable SAA location is submitted.
 - The final determination of the SAA perimeter rests with the decision-maker, not the applicant.
- The comparative exercise extends to evaluating the overall SAA location in relation to pedestrian routes, high-traffic areas, and points of sale, to ensure that exposure is minimized as far as reasonably practicable.

Summary

- 2.7.4 The comparative exercise under s 112 allows the decision-maker to evaluate alternative SAA configurations and assess whether the proposed layout appropriately limits exposure. Precedent confirms that overall SAA placement, pedestrian flow, visibility, and layout density are key considerations. While minor adjustments may reduce potential exposure further, these must be balanced against the practical and operational implications for the licensee, with the statutory purpose of harm minimization remaining the primary objective.

3.0 APPLICATION TO THE FLAXMERE PROPOSAL

- 3.1 While modifications to an existing fit-out may be constrained by existing infrastructure, in a new-build scenario, there is generally greater flexibility to arrange internal layouts to achieve compliance with the statutory objective. As of the date of this report, the premises are partially constructed, with the internal fit-out yet to be installed. At this stage, it appears it would be reasonably practicable for the applicant to consider alternative layouts.
- 3.2 The licensing application was submitted after construction had commenced. While earlier design changes may have incurred lower costs, relocating the SAA to a lower-traffic area is likely to still be feasible at the current stage.
- 3.3 The applicant's existing Woolworths Hastings store employs a sequestered alcove for alcohol. This indicates that a destination SAA operates effectively in practice. The proposed Flaxmere layout represents a different approach in location compared to this established model.
- 3.4 Section 4 (The Object of the Act) requires that the harm associated with alcohol be considered. In a Decile 10 community with documented high levels of alcohol-related harm, placement of alcohol in prominent areas may increase the frequency of incidental exposure. The location of the alcohol display in Aisle 1 places it along a common route for shoppers, including those seeking staple items, and represents the most direct pedestrian route between the main body of the premises and any general point of sale.
- 3.5 The principles outlined above are applied in Section 3.6 below, "Spatial Analysis and the Destination Principle." Section 3.7 below examines the proposed Flaxmere layout, including Aisle 1 as a possible primary pedestrian route, pedestrian trajectories through essential staples, and the relative prominence of the SAA. The comparative exercise under s 112 may
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inform whether relocating the SAA could better achieve the statutory objective of limiting exposure “so far as is reasonably practicable.”

3.6 **Spatial Analysis: Principal Destinations, Proportionality & Pedestrian Trajectory**

- 3.6.1 The following observations reflect the Inspector’s assessment of the proposed SAA’s location and exposure, based on practical considerations of shopper flow and harm minimization, without relying on specialist expertise in spatial design or supermarket operations.
- 3.6.2 They are informed by established research into retail layout and shopper behaviour⁵ which provides context for understanding how product placement and pedestrian flow influence incidental exposure to alcohol displays.
- 3.6.3 Identification of the primary pedestrian route – Analysis of the floor plan (**Attachment 3**) identifies Aisle 1 as a principal thoroughfare or primary pedestrian route. Although alternative routes exist, the layout channels a substantial proportion of foot traffic through Aisle 1, connecting the store entrance with main shopping areas.
- 3.6.4 Positioning of Staples – Essential items, including eggs, are located in the main body of the supermarket, at one end of Aisle 1, while milk and bread are positioned on the rear perimeter. Movement to these items and toward the self-checkout generates pedestrian traffic along Aisle 1 (see “Predictive circulation and exposure analysis map,” **Attachment 5**).
- 3.6.5 Compliance with Section 113(5)(b) – The proposed SAA’s location coincides with several of the most direct pedestrian routes between the store entrance, staple items, and points of sale. This positioning is relevant when assessing whether alcohol is sequestered from direct pedestrian paths.
- 3.6.6 Pedestrian Routes and s 113(5)(b) – The statutory test considers whether the most direct pedestrian route passes through the SAA. While items such as milk or bread may be accessed via perimeter routes, alternative paths through the store may also pass through the SAA. Access to staples such as eggs is more likely to require passage through the SAA unless customers deliberately use the perimeter route. This interpretation aligns with District Licensing Committee decisions, which focus on whether a route affords passage through the alcohol area rather than merely adjacent to it⁶
- 3.6.7 Retail Design Principles - Research into store layout (Gruen, 1964; Underhill, 1999; Sorensen, 2009; Turley & Milliman, 2000) demonstrates that supermarkets commonly position staple items at the rear to guide customers through multiple aisles. Placement of products along primary thoroughfares increases incidental exposure to adjacent displays.
- 3.6.8 Endcaps (end of aisles) and Checkout Zones - End-of-aisle locations and checkout areas are recognised in retail studies as points with elevated customer attention (and are widely recognised as locations associated with impulse purchasing). The positioning of the SAA near the self-serve check out area increases the likelihood of visual contact during typical shopping movements. In this context, the proposed alcohol area may function as an impulse purchase point — either at entry, during a shop, while customers are waiting within the self-checkout dwell zone, or again upon exit.
- 3.6.9 Alcohol Display and Entry/Exit Points – The entry and checkout zones are primary traffic areas; alcohol located near these zones is encountered by all shoppers and is inconsistent with limiting exposure.
- 3.6.10 Multiple Exposure Points - Shoppers may pass through or adjacent to the SAA multiple times in a single visit, increasing cumulative exposure.

⁵ Gruen, 1964; Underhill, 1999; Sorensen, 2009; Turley & Milliman, 2000

⁶ Decision 60C, CCC 2014; RWG Limited, Tauranga 2018

3.6.11 Category Prominence and Shelving Comparison - The linear length and shelving depth of the SAA relative to core grocery items is detailed in Table 1 below. This provides an approximate measure of the spatial prominence of the alcohol display within the store relative to other product categories.

TABLE ONE: APPROXIMATE AISLE METERAGE BY SHOPPING ITEM BROAD CATEGORY UTILISING THE PLAN PROVIDED (BASED ON A 28M AISLE)

Product Broad Category	Approx. Linear Shelving	Location Priority	Shelf Specification
Alcohol (Aisle 1)	35.0m	Aisle 1 (Primary Path)	Double-Deep (1000mm)
Soft Drinks bottles / cans / mixers / lifestyle	~28.0m	Middle Aisle (5)	Standard (450-600mm)
Baby Needs & Nappies	~28.0m	Aisle 11 (Rear outer)	Standard (450-600mm)
Bread & Bakery	~14.0m	Perimeter	Standard Racks
Fresh Milk (Chilled)	9.5m	Rear Perimeter	Gravity Feed
Frozen ice cream / Desserts	14.0m	Corner freezers	Deep frozen / refrigeration
Meat refrigeration (including seafood)	22.5	Rear corner / perimeter	Deep refrigeration

3.6.12 Volumetric Analysis - The double-deep racking (800–1000mm) specified for the SAA allows higher density storage compared to standard grocery shelving, resulting in a greater visual mass of alcohol along Aisle 1. Based on the plan measurements, alcohol occupies a very high proportion of the total shelving lineal meterage making it a prominent product within the supermarket.

3.6.13 Destination Principle – A layout consistent with the Act should allow alcohol to be encountered primarily through a conscious decision to enter the SAA. The current Aisle 1 placement aligns with a primary pedestrian route; relocation to a lower-traffic area (e.g., rear aisle or corner of the store) would better achieve this outcome.

3.6.14 Scenario Analysis: Shopper Movement – The route for a shopper collecting staples such as juice or eggs includes Aisle 1. Shoppers collecting bread and milk may also use Aisle 1, while those completing a full weekly shop sometimes proceed aisle by aisle, passing through the SAA shortly after entering the store. Consequently, the SAA is located along a main path used for many commonly purchased items. The applicant stated that the supermarket should not

be regarded as a convenience store; however, the presence of self-serve checkouts for small purchases (often 12 items or less) demonstrates that, on many occasions, the supermarket does serve a convenience function for some shoppers. In returning from the main body to the general point of sale, aisle 1 represents the most direct pedestrian route.

- 3.6.15 Scenario Analysis: Routine Minor Exposure – The effect of this SAA on a main pedestrian route is particularly relevant for minors in the Flaxmere community. Given the store's proximity to local recreation areas, it is reasonable to expect children to enter for small or convenience purchases. For example, a minor seeking juice is immediately directed into the Aisle 1 or 2 to get to the juice towards the end of the aisle. Similarly, if a child wants an ice cream or soft drink, these items are positioned directly across from or at the end of the aisle adjacent to the alcohol area, increasing the likelihood of incidental exposure.
- 3.6.16 Attentional Bias and Social Normalization - This configuration reinforces the "Normalization" harm cited in the University of Otago Kids'Cam study, which found that children are exposed to alcohol marketing in 85% of supermarket visits⁷. The research objectively measured children's real-time exposure to alcohol marketing using wearable cameras and GPS tracking. Analysis of supermarket visits showed that children encountered alcohol marketing on approximately 85 % of their trips to supermarkets that sold alcohol, with such marketing frequently placed near everyday products like bread and milk as well as store entrances/exits.
- 3.6.17 These findings suggest that when a child's routine path for everyday items is physically aligned with alcohol displays, the distinction between those products is reduced, contributing to the normalisation of alcohol within the grocery environment. This spatial placement, particularly in low socioeconomic (e.g. Decile 10) catchments where supermarket layouts can drive heavy traffic flows, suggests a heightened duty of care may be required to protect children from ubiquitous marketing exposures.
- 3.6.18 High-Deprivation Context – In a Decile 10 community, the Inspector notes that the location of the SAA adjacent to frequently purchased staple items results in more potential exposure relative to alternative, more sequestered locations. People in high-deprivation communities demonstrate greater sensitivity to environmental cues, meaning the same layout may produce disproportionately higher exposure and risk.
- 3.6.19 Attentional Bias in Hazardous Drinkers – Evidence from Alcohol Use Disorder research demonstrates that individuals with a history of hazardous drinking exhibit heightened attentional bias toward alcohol-related stimuli. Exposure to alcohol cues while performing routine tasks, such as purchasing bread or milk, can trigger cravings or increase the risk of relapse. Placement of the SAA near primary thoroughfares, entry points, or self-checkout areas may create a "trigger trap" effect, increasing incidental exposure, potential impulse purchases for vulnerable community members, and reinforcing alcohol normalization.⁸ The Inspector notes that such positioning is likely to increase potential harm compared with more sequestered SAA locations, consistent with the harm-minimization objectives of the Act.
- 3.6.20 The budget depletion effect - Evidence from consumer expenditure research suggests that alcohol purchasing can reduce the proportion of household income available for other goods and services, particularly in low-income households. Analyses across multiple countries show that lower-income families tend to spend a higher share of their limited budgets on alcohol, leaving less available for essential items such as food and other necessities, a pattern described as a crowd-out or budget competition effect. This dynamic has been observed even in contexts where alcohol accounts for a relatively small share of total spending, indicating

⁷ (Chambers, T. J., et al. (2017). Children's exposure to alcohol marketing within supermarkets: An objective analysis using GPS technology and wearable cameras. *Health & Place*, 46, 274–280)

⁸ (Townshend & Duka, 2001; Field & Eastwood, 2005; Field & Jones, 2017 – to name a few).

that expenditure on alcohol can still influence household resource allocation when income is constrained. Reductions in alcohol expenditure have been associated with increased capacity to reallocate funds toward other goods and services, further suggesting a trade-off between alcohol and essential spending.⁹ Within a grocery shopping context, incidental exposure to alcohol early in the trip could influence purchasing decisions in ways that amplify these resource trade-offs for vulnerable shoppers.

3.7 Comparative analysis with district supermarkets

3.7.1 Table 2 summarizes the location of SAAs across Hastings District supermarkets, including legacy Flaxmere stores, to provide a neutral comparison of placement of SAA's within our district.

Site Location	Decile Rating	Location within the supermarket
Woolworths Flaxmere (Proposed)	10	Aisle 1
PAK'nSAVE Hastings	8	Enclosed corner site
New World Havelock North (2024)	1	Dedicated Front Alcove
Countdown Hastings	8	Sequestered Alcove
New World Hastings	8	Rear Destination
Flaxmere Supermarket	10	Dedicated Front Alcove
Flaxmere New World (Legacy)	10	Shielded End-Cap

3.7.2 Observations - Comparison of the Flaxmere proposal against district supermarkets shows that most SAAs in Hastings are located in sequestered alcoves or rear areas where exposure is limited, whereas the proposed layout places the alcohol along a primary pedestrian thoroughfare and in a high exposure area.

3.7.3 Volumetric Capacity – At 35.0m of partially double-deep shelving, the Flaxmere SAA represents a very high linear and volumetric footprint when compared to the current and legacy Flaxmere supermarkets increasing the overall volume of alcohol supply into this community. The proposed SAA is more than double the linear length of the legacy New World Flaxmere store (17.5m both sides of the aisle vs. ~8.5m).

⁹ Jolex A, Kaluwa B. Crowding Out Effects of Alcohol Consumption Expenditure on Household Resource Allocation in Malawi. Secondly - The theoretical foundation for alcohol-related household budget trade-offs draws on the body of work by Angus Deaton, whose research on consumption, health, and poverty shows how constrained incomes lead households to make trade-offs across essential goods and discretionary spending (Deaton, 1980s–2015; Nobel Prize Scientific Background, 2015).” - Case, A., & Deaton, A. (2003). Consumption, Health, Gender, and Poverty (Policy Research Working Paper No. 3020). World Bank. World Health Organization (2014). Global status report on alcohol and health. Geneva: WHO; World Bank (2017). Tobacco tax reform: At the crossroads of health and development. Washington, DC: World Bank

- 3.7.4 Local Practice – Sequestered layouts are currently operational in other Hastings supermarkets, including those managed by the applicant in higher-deprivation areas, demonstrating that alternative configurations are practicable.
- 3.7.5 Availability theory - The proposed increase in alcohol display area represents a substantial expansion in physical alcohol availability within this community. International and national evidence consistently demonstrates that increased physical availability of alcohol is associated with higher consumption and related harm at a population level.¹⁰
- 3.7.6 In a region with the highest hazardous drinking rates in NZ¹¹, high harm rates via police and health ED data and low socioeconomic status it is more likely to cause additional disproportionate harm.

4.0 DISCUSSIONS WITH THE APPLICANT REGARDING THE SINGLE ALCOHOL AREA

The following outlines responses arising from discussions with the applicant, as set out in Attachment 6.

Correspondence and Submissions

- 4.1 During the course of the application process, the applicant provided correspondence indicating that relocating the Single Alcohol Area (SAA) would incur significant costs, estimated at approximately \$5 million.
- 4.2 Claims of Economic Impracticability – The applicant stated that changes to the internal fit-out, including refrigeration, shelving, and cabinetry, would constitute substantial capital expenditure.
- 4.3 The Medical Officer of Health provided an example of costs of moving an alcohol area - Albany New World - quote of just under \$500,000 to move their SAA within an existing store replacing refrigeration and plumbing etc. As the fit out to date has not been completed for Flaxmere Woolworths, one would assume it would be considerably less than this example.

Inspectors Observations

- 4.4 In evaluating these claims under the statutory test of "reasonable practicability" (Section 112), the following factors are relevant:
- Priority of Harm Minimization: The statutory requirement to limit alcohol exposure is a community protection measure. Commercial preference or convenience does not override this obligation.
 - Timing and Choice: The applicant proceeded with a layout placing the SAA along Aisle 1, which differs from the sequestered models at Woolworths Hastings and New World Havelock North, Pak n Save Hastings and Flaxmere Supermarket. Any costs associated with revision arise from that commercial choice rather than an inherent site limitation.
 - Operational Oversight: Staff monitoring considerations are relevant. A single staff member's primary duties are to manage multiple self-checkout screens, clear technical errors, and verify IDs. Expecting that person to maintain line-of-sight supervision over a 17.5m alcohol corridor is not reasonably practicable.
 - Objective Benchmark: Sequestered layouts are successfully implemented at other Hastings District sites operated by the applicant, demonstrating compatibility of their retail model with lower-exposure configurations.

¹⁰ Babor, T., Caetano, R., Casswell, S., Edwards, G., Giesbrecht, N., Graham, K., ... & Rossow, I. (2010) AND McBride-Henry et al. (2020) – to name a few)

¹¹ Ministry of Health, (2025) Regional Data Release 2021/22 - 2023/24: New Zealand Health Survey

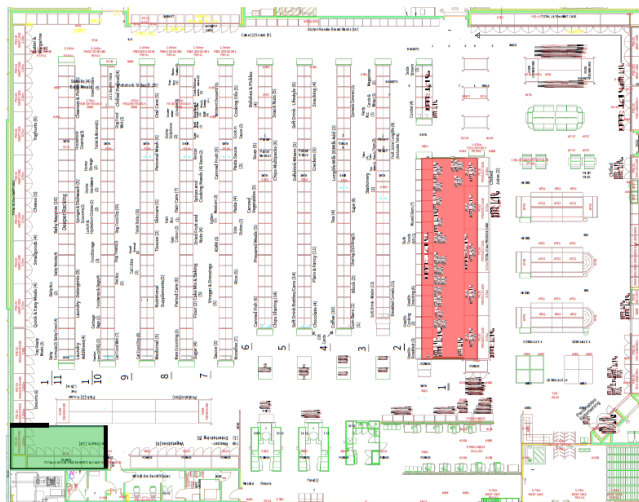
- 4.5 While cost is a relevant consideration, it must be weighed against the potential long-term impact of increased alcohol exposure, particularly in a high-deprivation catchment.
- 4.6 The Inspector concludes that a compliant SAA layout is practicable. Costs associated with relocation constitute a one-time capital expense, while the impact of an alcohol display along a primary pedestrian route and adjacent to a dwell zone increasing exposure persists as a long-term exposure consideration. Given that alcohol-related harm in New Zealand is conservatively estimated at \$9.1 billion per year, this potential impact may be weighed alongside the applicant's internal cost considerations.
- 4.7 **Additional Matters Raised in Applicant Correspondence**
- 4.7.1 Comparison with Woolworths Hauraki Corner and other plans - The applicant refers to the SAA at Woolworths Hauraki Corner as an identical layout previously accepted by the Authority. While both SAAs are located in Aisle 1, the Inspector notes that the stores differ materially in scale, layout, and community context. Hauraki Corner is a smaller-format store located in a lower-deprivation, more affluent area (decile 3). The alcohol area in that store is limited to the end portion of an aisle and is partially screened by adjacent product shelving.
- 4.7.2 By contrast, the Flaxmere proposal involves a substantially larger alcohol area positioned opposite self-service checkouts within a high-deprivation community. For these reasons, the Hauraki Corner layout is not directly comparable when assessing exposure in this application.
- 4.7.3 At the Inspector's request, the applicant also provided four additional examples. However, these were not directly comparable, often involving full-aisle SAAs, no product at aisle ends, no projection into checkout dwell zones, or were located in smaller-scale supermarkets or lower-deprivation areas. The Inspector further notes that the existence of superficially similar layouts does not, in itself, establish compliance, particularly when considering the specific context and locality of this application.
- 4.7.4 Lastly, The Hauraki Corner case does not create a blanket precedent for in aisle layouts. Rather, it clarified the approach decision-makers should take when assessing alcohol exposure and the comparative exercise required under section 112 of the Act.
- 4.7.5 Reference to *General Distributors Ltd v Thames-Coromandel District Licensing Inspector [2024]* - The applicant also refers to the decision in *General Distributors Ltd v Thames-Coromandel District Licensing Inspector [2024]* and submits that the case concerned the display of alcohol within an SAA rather than the location of the SAA itself.
- 4.7.6 The Inspector notes that the case was referenced in earlier correspondence to illustrate the Authority's observations regarding alcohol exposure within supermarket environments more generally. In particular, the Authority commented on the level of visibility and prominence of alcohol displays, and the importance of ensuring that exposure is limited so far as reasonably practicable. While the SAA perimeter was not the primary focus of the decision, the Authority's reasoning underscores that even a legislatively compliant SAA can still generate high exposure if positioned in a prominent or high-traffic area.
- 4.7.7 Accordingly, the reference was not intended as a direct comparison of store layouts, but rather to highlight the Authority's broader reasoning regarding alcohol exposure and visibility when assessing supermarket applications under sections 112–114 of the Act.
- 4.7.8 Queuing and Checkout Dwell Areas - The applicant submits that queuing within or adjacent to the SAA while waiting for checkouts is a "theoretical risk" that does not occur with any frequency in their stores.
- 4.7.9 The Inspector notes that queuing in the vicinity of checkouts is a normal and foreseeable feature of supermarket operations, particularly during peak trading periods. Self-service
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checkout areas routinely generate waiting periods as customers queue to access available terminals or await assistance.

- 4.7.10 Where a Single Alcohol Area is positioned directly adjacent to these checkout “dwell zones,” customers—including minors and those not intending to purchase alcohol—may be required to remain in close proximity to the alcohol display while waiting to complete their transaction increasing exposure and normalisation.
- 4.7.11 The applicant’s proposed mitigation measures (such as temporary barriers or crowd control hoarding during busy periods) implicitly acknowledge that increased pedestrian congestion in this location is possible. These operational measures do not alter the underlying exposure created by the physical placement of the SAA within a high-traffic area of the store.

5.0 ILLUSTRATIVE ALTERNATIVE LAYOUT

- 5.1 For the purposes of the s 112 comparative exercise, a compliant SAA could be configured in the far-left corner of the store near the existing refrigeration units and “Easy Meals / Snacks” zone (Green rectangle indicated on the plan below). This area functions as a natural enclave, allowing the SAA to be relatively compact, physically separated from primary pedestrian routes, and accessed through a limited entry point if a artificial wall was placed at the entry door of the toilets / office areas. Screening shelving could be used to reduce direct sightlines, and the design could avoid aisle-end displays to further minimize exposure. In this layout, customers are able to bypass the alcohol area entirely, with no requirement to pass through it.



- 5.2 This illustrative layout demonstrates how a destination-style SAA could meet the statutory requirement to limit shopper exposure “so far as is reasonably practicable.” It is provided for comparative analysis only and is not a prescriptive recommendation for the applicant.

6.0 CONCLUDING CONTEXT

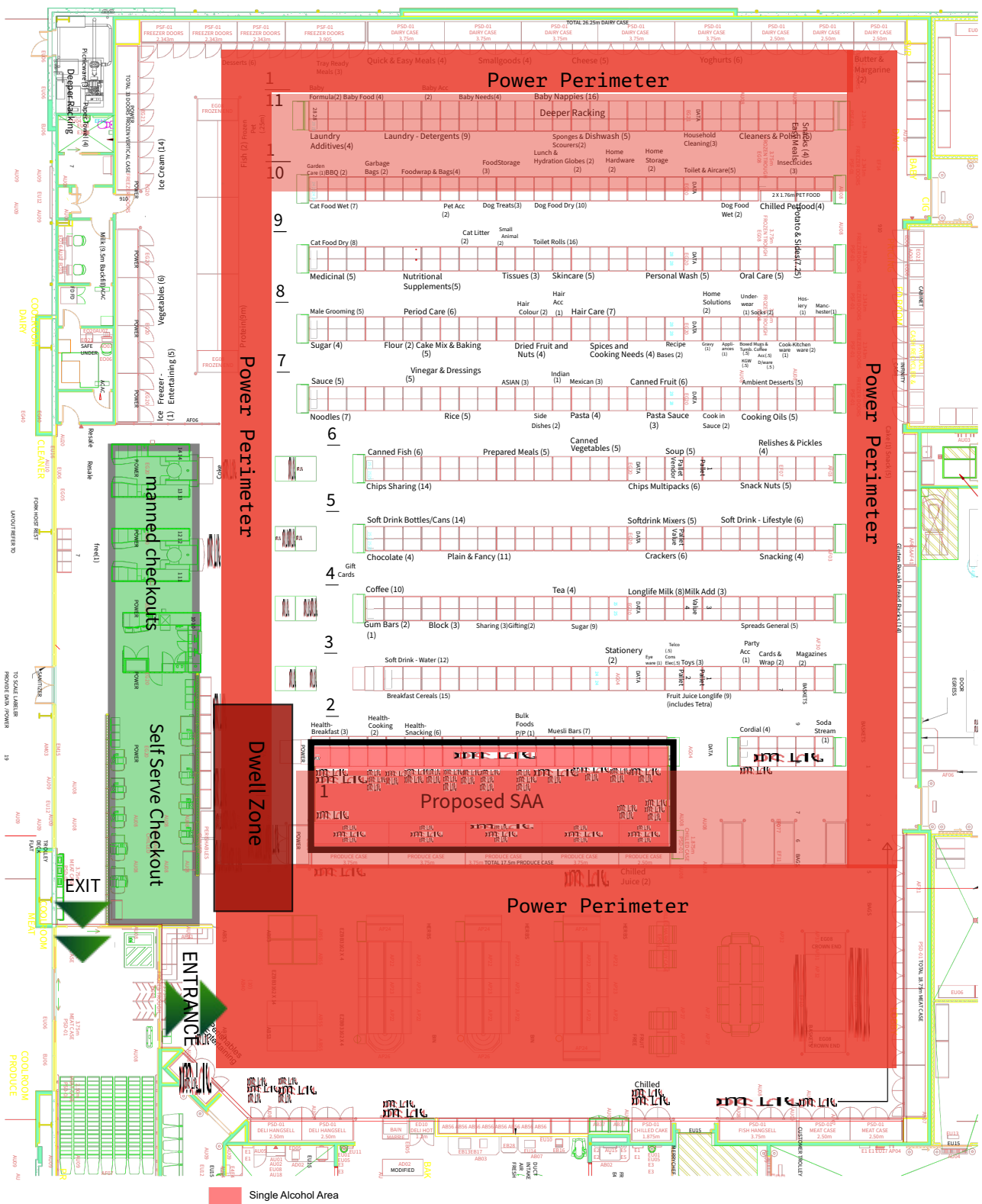
- 6.1 The observations in this attachment provide additional spatial, legal, and contextual analysis to assist the Committee in evaluating the proposed Single Alcohol Area (SAA) against the requirements of sections 112–114 of the Act.
- 6.2 An illustrative alternative layout, located in the far-left corner enclave with restricted entry and screened shelving, demonstrates how a destination-style SAA could reduce exposure for

shoppers, including minors and other vulnerable community members. This layout is provided solely for comparative purposes under section 112 and is not a prescriptive recommendation for the applicant.

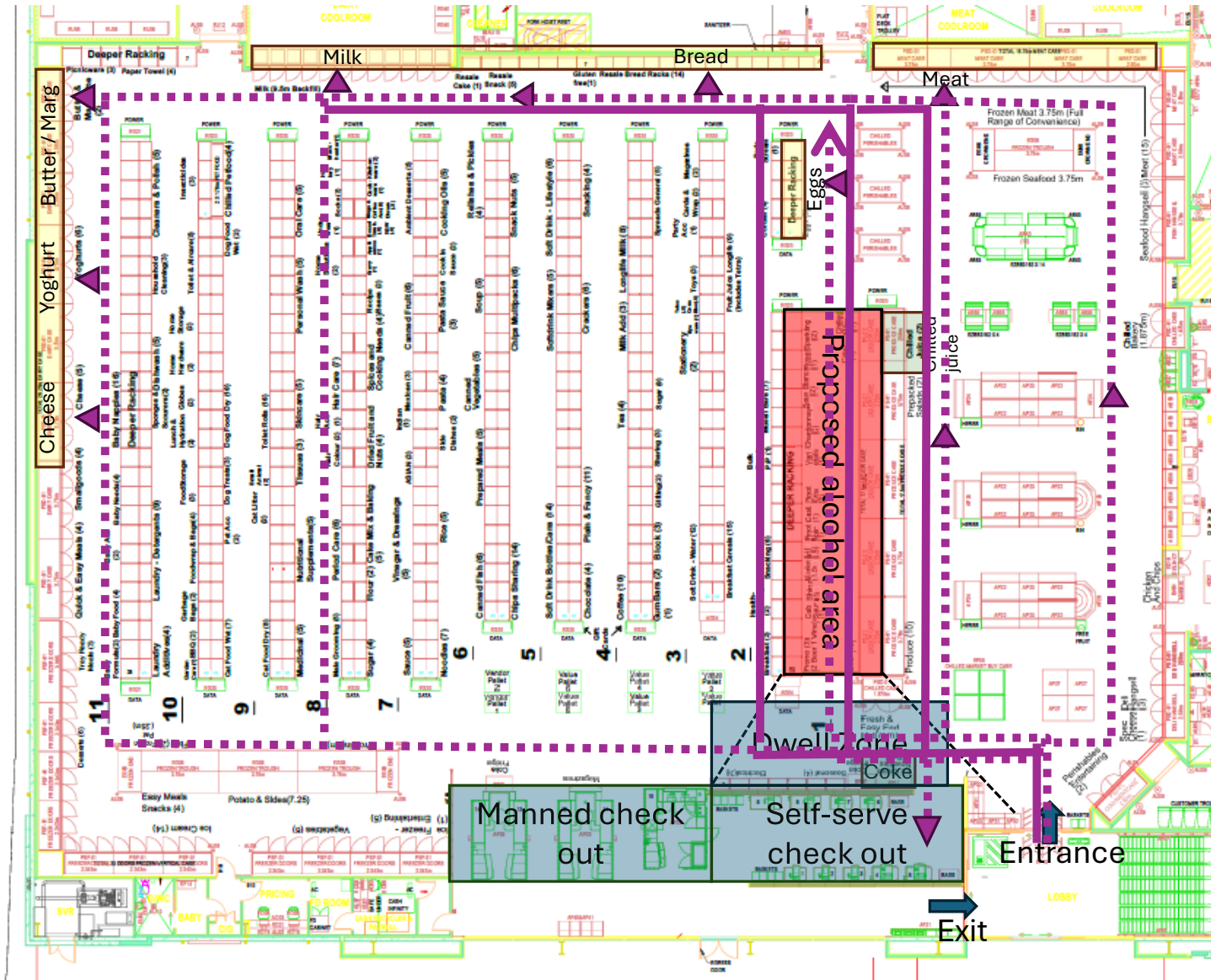
- 6.3 By contrast, the applicant's current Aisle 1 proposal presents multiple exposure (and incidental exposure) points along a primary thoroughfare or pedestrian route, which is relevant when assessing compliance with sections 112–114.
 - 6.4 While supermarket environments inherently offer multiple navigational routes influenced by shopper familiarity and mission, the Flaxmere layout could direct foot traffic along a 'funnelling' path toward the SAA to access the 'back' of the store, where essential staples such as milk, bread, and eggs are located. In practice, shoppers typically utilize the perimeter or move directly through Aisles 1 or 2, making Aisle 1 the primary pedestrian route to the main shopping areas, in particular, eggs, as this would be the shortest pathway from the entrance to eggs at the end of aisle one. Even if traversing the SAA to the right may represent a similar route, given the location of the self-serve checkouts, aisle 1 is the most direct route to the general point of sale.
 - 6.5 While the statutory requirements for Single Alcohol Areas under sections 112–114 do not change based on a community's deprivation index, the object of the Act (s4) requires decision-makers to consider harm minimisation in context. This includes community characteristics, potential minor exposure, and vulnerability to alcohol-related harm. In these circumstances, limiting exposure pursuant to s 112(1) takes on an elevated mantle. In Flaxmere—a high-deprivation area and with evidence of higher hazardous drinking rates in our region and high alcohol-related harm—the location of the SAA in combination with supermarket layout, including foot traffic patterns, staple item placement, and self-service checkout locations, may increase exposure. The practical effects of the proposed placement are therefore amplified relative to lower-risk areas, highlighting the significance of this location in assessing compliance and exposure.
 - 6.6 The placement of self-service checkouts also creates a stationary 'dwell zone.' During peak periods, shoppers queuing at these checkouts are positioned directly in view of the alcohol display, meaning both moving and stationary shoppers are exposed to alcohol products. This positioning highlights the unavoidable exposure created by the current SAA location.
 - 6.7 The Committee may consider these factors when evaluating whether the proposed SAA limits shopper exposure "so far as is reasonably practicable." The final determination of compliance rests with the Committee, informed by the evidence, context, and comparative analysis provided in this attachment and report.
-

Power Perimeter & dwell zone

(Not for Construction Issue - Merchandise purposes only)



Flaxmere Woolworths Possible Shopping paths examples



- Staple items
- Potential visual area
- Minor
- Most direct route to bread / milk / eggs
- Example Routes to staples

Illustrative routes only. While supermarket navigation varies by shopper and mission, the Flaxmere layout provides a potential pathway toward the rear staples (milk, bread, eggs), particularly via Aisle 1, meaning it may function as a primary thoroughfare through the SAA. All routes also converge through the checkout dwell zone, increasing exposure. Placement of cold drinks at self-serve may also create incidental exposure for minors.

3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook



Re: Woolworths Flaxmere - Application for new off-licence

From Paul Radich <paul.radich@woolworths.co.nz>

Date Tue 17/03/2026 11:18 AM

To Janine Green <janineg@hdc.govt.nz>

Hi Janine,

Thank you for your email and for clarifying your position.

I certainly understand your role as an Inspector, having done it myself for a number of years. However, it is important to note that this role also carries an obligation to follow well-established case law—both in terms of what constitutes a compliant Single Alcohol Area and the requirements for seeking the imposition of discretionary conditions.

We maintain that our application is consistent with those legal standards and look forward to addressing these matters with the District Licensing Committee.

Nga Mihi

Paul Radich
National Alcohol Responsibility Manager

M 027 539 4732

E Paul.radich@countdown.co.nz

80 Favona Road, Favona Auckland 2024

Inline images

On Tue, 17 Mar 2026 at 9:22 AM, Janine Green <janineg@hdc.govt.nz> wrote:

Thank you for your email.

Just to clarify my role in the process, as Inspector my responsibility is to prepare a report for the District Licensing Committee that identifies the relevant issues under the Sale and Supply of Alcohol Act 2012 and places the available information before the Committee for consideration. The Committee is ultimately the decision-maker on both the compliance of the proposed SAA and whether any discretionary conditions are appropriate.

As part of that process, I also receive comments and suggested conditions from other reporting agencies, including Police and the Medical Officer of Health, which are then put to you the applicant for any response.

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3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

My intention in raising those matters with you is simply to ensure your position is accurately reflected in the material before the Committee.

I would also note that throughout the application process I have been open to discussing the proposed SAA layout and the wording of potential conditions, and have invited feedback and alternative wording where appropriate. My intention has been to ensure that all perspectives are properly recorded and considered by the Committee.

If you would still like to discuss any factual aspects of the application prior to the hearing, I am happy to meet and happy to add any additional detail into my report.

Kind regards,

Janine Green

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>

Sent: 16 March 2026 1:43 PM

To: Janine Green <janineg@hdc.govt.nz>

Subject: Re: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

Given that this matter is proceeding to a hearing, we will address whether the proposed conditions meet the legal thresholds of being reasonable, desirable, and necessary, as established by the High Court. While your legal team may have reviewed these, discretionary conditions must be evidence-based rather than applied simply by agreement or based on general local context.

The core issue remains straightforward: the Inspectorate maintains the area is non-compliant despite case law, peer feedback, and examples from other areas supporting its compliance. Furthermore, you continue to seek conditions that mirror our already embedded national policies, which we believe makes them unnecessary. You are asking us to make concessions while remaining entirely inflexible in your position.

Regarding the suggestion to prohibit alcohol sales to individuals in school uniforms, such a condition is discriminatory and has been previously ruled upon by the Human Rights Tribunal.

In short, the current proposal asks for a range of concessions without providing supporting evidence for that position. Since we are moving toward a hearing based on what we view as an incorrect interpretation of compliance, we will utilize that forum to discuss our established practices and the legal standards regarding justified discretionary conditions.

If you would like to discuss this further or see a way forward, I am happy to meet at any time.

Nga Mihi

Paul Radich

National Alcohol Responsibility Manager

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2/16

3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

M 027 539 4732

E Paul.radich@countdown.co.nz

[80 Favona Road, Favona Auckland](#) 2024



On Mon, 16 Mar 2026 at 12:49, Janine Green <janineg@hdc.govt.nz> wrote:

Thanks Paul. Just a few comments below.

1. Incident register / duty manager log

Thank you for confirming that Woolworths already maintains these registers, as noted in your application. The intention of this condition is simply to ensure that an incident register and duty manager register are maintained. It does not prescribe any particular format or system, and we are not expecting Woolworths to introduce new processes or duplicate existing ones. Licensees record incidents in a variety of ways, and the condition allows flexibility for you to continue using your current system.

To clarify this, I am happy to slightly amend the wording to reflect that existing systems can continue to be used:

"The licensee must continue to maintain incident and duty manager registers and notify NZ Police of any violent incidents."

The expectation that violent incidents are notified to NZ Police reflects good practice in supporting staff safety and ensuring an appropriate response where necessary. Police have also indicated that they wish to be informed of such incidents, particularly in this locality where there are known issues relating to hazardous drinking and community harm, and given the issues previously experienced at the former supermarket in Flaxmere.

2. Single sales of high-strength beer/cider

Thank you for confirming that Woolworths already follows this practice. This is a condition we would like to apply to this particular licence and it has been legally reviewed with our lawyer. Similar conditions are applied to a number of licences in higher-risk areas, including other licences in Flaxmere.

There are known issues relating to homelessness and hazardous drinking within this area, therefore the condition is considered appropriate. It also helps future-proof the licence and ensures that higher-risk licences operate on a more consistent basis.

Please let me know whether you are comfortable with the wording below:

"Prohibit single sales of high-strength beer or cider (500ml and under) and prohibit single sales of beer and cider greater than 5.5% ABV priced below \$6.00."

3. Low and no alcohol products

The requirement to make available a range of low-alcohol beverages and 0% alcohol beer/cider reflects current supermarket practice. As Woolworths already stocks these products, this condition should not

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3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

present any operational issue.

Please let me know if you are comfortable with the above.

One further matter we have been asked to clarify: does Woolworths sell alcohol to persons wearing school uniforms? Would you be open to a condition addressing this, if considered appropriate?

Case law

Thank you also for forwarding the legal memorandum regarding the case law. I am familiar with those decisions and have previously considered them in the context of these types of applications. However, I appreciate you providing the material and will add it to the file for completeness.

Kind regards,
Janine

Janine Green

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>
Sent: Monday, March 16, 2026 9:21 AM
To: Janine Green <janineg@hdc.govt.nz>
Subject: Re: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

In relation to your proposed conditions, I have some clarifications and suggested refinements regarding the recording of incidents and police notification.

Regards,

Paul Radich
National Alcohol Responsibility Manager

[Nga Mihi](#)

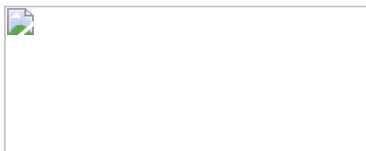
[Paul Radich](#)

National Alcohol Responsibility Manager

M 027 539 4732

E Paul.radich@countdown.co.nz

[80 Favona Road, Favona Auckland](#) 2024



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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

On Thu, 12 Mar 2026 at 17:24, Janine Green <janineg@hdc.govt.nz> wrote:

Hi Paul,

Just one last thing for today for my report. Can you please confirm you're happy with the wording of the conditions below? If not, please suggest any changes. This is our standard wording;

The applicant has confirmed they will comply with the following requirements in accordance with the Hastings District Local Alcohol Policy 2025, Section 5.2. The applicant has agreed for the following to be added to the licence conditions:

- Maintain incident and duty manager registers and notify NZ Police of any violent incidents. We utilise several mechanisms for recording issues across our stores. While we maintain a physical incident book, we also utilize digital platforms such as Auror and various self-reporting tools to ensure comprehensive data capture. Additionally, our teams use body-worn cameras to manage and document interactions. We do not dictate to the team which mechanism is used to record these interactions. Regarding the notification of NZ Police, it is entirely up to the store team to determine if the police should be called for a given incident based on their assessment of whether there is an imminent threat to themselves or our customers. Auror data is confidential and cannot be shared outside the agreed parties and the body worn camera footage incident and notings are subject to privacy restrictions meaning the incident register is never complete. This condition is unworkable and unreasonable given the limitations and there is no evidence that is reasonable, desirable or necessary as required under the case law. We have had other councils seek similar conditions we have agreed to the following condition.

Incident register: The licensee must continue to record alcohol related incidents using existing systems, ensuring flexibility to avoid duplicative processes.

- We are also required by law to maintain a Duty Manager register.
- Prohibit single sales of high-strength beer or cider (500ml and under) and prohibit single sales of beer and cider greater than 5.5% ABV priced below \$6.00. Woolworths New Zealand has not sold units of high strength single cans anywhere nationally for over 5 years, we are the only retailer to have made this change. They are only available in four packs in our stores. We do not intend to range single cans in this store so the condition is moot. The condition only serves to reinforce what we are already doing and on that basis is unnecessary. The condition makes no allowances for craft beer and equally provides no justification for the 5.5% threshold which would mean one standard drink would cost six dollars.
- Make available for sale a range of low-alcohol beverages and 0% alcohol beer/cider. Woolworths already has a large range of zero alcohol products including zero alcohol spirits. It will be no different in this store. Woolworths is the market leader in the sale of zero alcohol alternatives with over 30% of the market share. All zero alcohol products are subject to age verification under the same rules as the sale and supply of alcohol. The condition only serves to reinforce what we are already doing and on that basis is unnecessary.

Voluntary measures outside of the LAP:

Alcohol pregnancy warning signage to be displayed in the Alcohol Area in relation to the risk of Foetal Alcohol Spectrum Disorder. Woolworths already displays pregnancy labelling advice on its point of sale signage and in the single alcohol area. Such advice is already on all of our signage. The condition only serves to reinforce what we are already doing and on that basis is unnecessary.

Thanks in advance for confirming.

J

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3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

Janine Green
LAP Lead / Alcohol Licensing Inspector
Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>
Sent: 12 March 2026 9:23 AM
To: Janine Green <janineg@hdc.govt.nz>
Subject: Re: Woolworths Flaxmere - Application for new off-licence

Hello Janine

I am in the process of having our lawyers compile all of the relevant caselaw on single alcohol areas, layouts, location of other products and the prohibited areas.

I will send that through later today

Nga Mihi

Paul Radich
National Alcohol Responsibility Manager

M 027 539 4732
E Paul.radich@countdown.co.nz

[80 Favona Road, Favona Auckland](#) 2024

Inline images

On Thu, 12 Mar 2026 at 9:21 AM, Janine Green <janineg@hdc.govt.nz> wrote:

Hi Paul,

Thank you for your email and for providing the additional plans, that's really helpful. I appreciate you taking the time to send those through, particularly given the number of stores you have across the country.

To clarify the process point you raised, I am not yet able to file my report. The public notification period does not close until **18 March**, and the Inspector's report is required to be filed after that period has ended. In the meantime, and to ensure my report covers matters as thoroughly as possible, I sent my previous email to provide you the opportunity to clarify your position or provide any further information you consider relevant prior to the report being finalised.

I have always been open to a conversation if that would be helpful, particularly if there are any proposed amendments or further information you wish to discuss. My intention in requesting examples of comparable layouts was simply to better understand the basis for the proposed configuration and whether there were relevant precedents to help the Committee with their assessment.

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

In relation to the plans you have provided, I will review them alongside the material already available and consider them in the context of the report. As you will appreciate, the Inspector's role is to provide the Committee with an independent assessment of the application against the requirements of the Act, including the practical operation of the proposed Single Alcohol Area within the wider store layout.

My position has not changed at this stage; however, I will continue to review any further information provided prior to finalising the report.

If there is anything further you wish to provide or clarify before the notification period closes, please feel free to do so. If you would like to meet to discuss anything further, I am happy to do so, as were the other reporting agencies.

Kind regards,

Janine Green

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>
Sent: Wednesday, March 11, 2026 1:40 PM
To: Janine Green <janineg@hdc.govt.nz>
Cc: GDL Alcohol Licensing <gdlalcohollicensing@russellmcveagh.com>
Subject: Re: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

It appears we previously agreed that you would proceed with filing your report. As the application will inevitably come before the District Licensing Committee (DLC) as an opposed application, we believe the appropriate course of action is to address the legal requirements for supermarkets in that forum.

The statutory requirements for Single Alcohol Areas (SAA) and their compliance with the Act do not change based on a community's deprivation index. Could you please provide the legal basis or citations that support the position that a compliant area, as defined by statute, is subject to modification based on the socio-economic status of a location?

Furthermore, we find it concerning that you are requesting case law at this late stage; such research should have been conducted prior to making a determination of non-compliance. We maintain that the proposed area is not a thoroughfare, and we disagree with your interpretation of the layout. I have attached four plans where the layout is manifestly similar to the proposed area in Flaxmere. This is not an exhaustive list, and we find the request for identical layouts in specific decile-rated locations to be unreasonable.

Your recent correspondence suggests your position is entrenched. I encourage you to review the relevant case law, as the legal standards regarding SAA locations, the definition of the "most direct pedestrian route," and the relevance of products outside the SAA are well-settled.

I have previously attempted to explain the operational and construction limitations of the site, yet those justifications were dismissed as a "fallacy" in your previous email. We have

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

tried to make alterations to the area in response to your concerns, those changes were seen as justification for the position you have drawn. We have a contrary view.

Given this impasse, please finalise your report so the matter can be determined by the DLC. If you would like to have a constructive, open and frank conversation, we are quite open to that and more than willing to participate.

[Nga Mihi](#)

[Paul Radich](#)

National Alcohol Responsibility Manager

M_027 539 4732

[E Paul.radich@countdown.co.nz](mailto:Paul.radich@countdown.co.nz)

[80 Favona Road, Favona Auckland](#) 2024



On Tue, 10 Mar 2026 at 09:42, Janine Green <janineg@hdc.govt.nz> wrote:

Dear Paul,

Thank you for your further comments. As we are now moving toward finalizing the report for the District Licensing Committee, I want to ensure I have all the necessary evidence to accurately represent the applicant's position and the rationale behind the design.

To that end, could you please provide the following specific information to be included as part of the evidentiary record:

1. Comparison Plans (Identical Layouts) You have stated that this layout is a "standard design model" that is already ARLA-compliant in dozens of stores. Please provide the names and floor plans of existing supermarkets (specifically those in Decile 8, 9, or 10 areas) where the SAA is configured **exactly** like the Flaxmere proposal. Specifically, I am looking for examples where:

- The SAA is located in **Aisle 1** - where there is no physical product shielding between the SAA and the main checkout/self-service queue.
- The SAA serves as a thoroughfare for shoppers moving from Produce/Entry toward high-frequency staples (such as **Eggs, Bread, or Milk**).

2. Clarification of "Operational Challenges" In your previous email, you mentioned that "specific operational challenges of the Flaxmere site" made alternative layouts (like the Aisle 9/10 or corner site suggestion) unsuitable or potentially more harmful. To help the DLC understand why a more sequestered "destination" layout was ruled out, please detail:

- What these specific operational challenges are.

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

- The logic behind the statement that moving the SAA away from the entrance/Aisle 1 thoroughfare could be "more harmful" in the Flaxmere context.

3. Section 113(5) & Pedestrian Routes Regarding your interpretation of the "most direct pedestrian route," my report will note that Aisle 1 acts as a primary conduit for shoppers seeking essential items located at the terminus of that aisle. If you have specific ARLA or High Court citations that support the placement of an SAA on a path to high-frequency staples like eggs, please include those so they can be accurately referenced.

Thanks in advance - having this additional data will ensure the Committee has a clear understanding of your "standard model" and the site-specific constraints you've identified.

Kind regards

Janine Green

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Janine Green <janineg@hdc.govt.nz>

Sent: Monday, February 16, 2026 2:19 PM

To: Paul Radich <paul.radich@woolworths.co.nz>

Subject: Re: FW: Woolworths Flaxmere - Application for new off-licence

Hi Paul,

Thank you for your response. I acknowledge your position that we have reached a fundamental disagreement regarding the interpretation of the Act and shopper behaviour.

I will proceed to finalise my report for the District Licensing Committee. For the sake of clarity, my report will focus on the following evidentiary points derived from the proposed plan:

- **Statutory Prohibitions:** Under Section 113(5), a Single Alcohol Area must not include the most direct pedestrian route between the entrance and the main body of the store. The submitted plan clearly identifies Aisle 1 as the primary conduit for shoppers transitioning from the entry zone (Produce and Chilled) toward the main grocery body and essential staples, including Eggs (located at the terminus of the SAA), Bread, and Milk. By placing alcohol on this "forced" path, the layout fails to sequester the product as a destination, instead making it an unavoidable thoroughfare for ordinary shoppers.
- **Enticement and Staples:** While you suggest there is nothing to "entice" shoppers into the area, the plan places **Eggs** (a high-frequency staple) at the end of the Aisle 1 racking
- **Reasonable Practicability:** Regarding your comments on Aisle 9, the Inspectorate's view is that the rear of the store (currently Pet Food/Laundry) represents a "destination" location that would sequester alcohol away from the primary "Produce-to-Checkout" flow, which is a reasonably practicable alternative under **Section 112**.

I agree that a hearing is the appropriate forum to determine whether this layout meets the "Object of the Act," particularly within the context of the Flaxmere community.

Kind regards,

Janine Green

LAP Lead / Alcohol Licensing Inspector

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3/24/26, 2:22 PM

Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>
Sent: 16 February 2026 2:08 PM
To: Janine Green <janineg@hdc.govt.nz>
Subject: Re: FW: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

The case law regarding what constitutes the "most direct pedestrian route" and the prohibited areas under the Act is well established. The law focuses specifically on the route between:

- Any entrance to the premises and the "main body" (shopping aisles) of the store.
- The main body of the store and any "general point of sale" (checkout, till, or self-service machine).

Our proposed layout meets these statutory requirements in their entirety and does not impinge on the prohibitions of the Act. We are very experienced in these matters. The barriers we have proposed are purely to address your concerns and look for a viable opportunity to resolve the matter. Offering them does not confirm your perception that this is a high-traffic thoroughfare. While we do not accept your point about shopper journeys, we were acting in good faith to find a workable alternative.

Respectfully, your concerns about sequential shopping habits and people being "funnelled" through the area have little basis in fact. The SAA is designed in such a way that customers who do not want alcohol will not enter the area. It is exclusively for alcohol, meaning there is nothing to entice or funnel everyday shoppers through it. It is difficult to argue against supposition regarding shopper behavior when the layout dictates otherwise.

Regarding your suggestion of Aisles 9 and 10: utilizing this space would either create mixed-use aisles—generating the exact scenario where people *must* walk through the area for other goods—or alternatively require making the SAA larger. Given your already documented concerns about the size of the alcohol area, this would seem to be a counterproductive solution.

Given our fundamental disagreement on these interpretations, I suggest you finalise your report so we can have the matter set down for a hearing.

Regards,

Nga Mihi

Paul Radich

National Alcohol Responsibility Manager

M_027 539 4732

E Paul.radich@countdown.co.nz

[80 Favona Road, Favona Auckland](#) 2024

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook



On Mon, 16 Feb 2026 at 13:43, Janine Green <janineg@hdc.govt.nz> wrote:

Hi Paul

Thank you for the detailed breakdown of the construction constraints and your proposed mitigation measures.

I acknowledge the infrastructure and cost challenges you have outlined. However, as the Licensing Inspector, my statutory obligation is to assess the application against the criteria of the Act, specifically the requirement to limit exposure "so far as is reasonably practicable".

I have considered your proposed solutions of crowd control hoarding and aisle barriers. In my view, the fact that such measures are deemed necessary to prevent queuing and thoroughfare traffic effectively confirms the Inspectorate's assessment: that the current Aisle 1 location is an inherently high-traffic zone. Regarding the "reasonable practicability" of the layout, I would like to raise the following points:

- **Sequential Shopping Habits:** Generally speaking, when a customer enters for a weekly shop, they begin in fresh produce and then proceed aisle-by-aisle, starting in Aisle 1. By placing the SAA here, you are ensuring that the vast majority of shoppers—including families and minors—are funnelled through the alcohol area at the very start of their journey.

Direct Routes: Under **Section 113(5)**, an alcohol area must not include the most direct pedestrian route between the entrance and the main body of the store. If a shopper entering for necessities like juice (Aisle 5), eggs (Aisle 1), or bread (Side Wall) naturally utilizes Aisle 1, then the layout fails this statutory test.

- **Alternative Practicable Locations:** Looking at the provided floor plan, the area currently housing **Pet Food and Chilled Pet Food (Aisles 9 and 10)** appears to be a far more suitable location. This area already contains some refrigeration infrastructure (albeit a lesser amount - but we do note that not all alcohol has to be chilled.) Moving the SAA to the rear of the store would remove it from the primary entrance thoroughfare and the checkout "dwell zones," satisfying the statutory intent to sequester alcohol as a destination.

Timing and Risk Mitigation: Flaxmere is a high-risk, Decile 10 catchment. It is surprising that an application for such a high-exposure layout in Aisle 1 was not submitted for feedback earlier in the design phase. Had these concerns been addressed before the building was weathertight and the floors polished, the infrastructure costs would likely have been a fraction of the \$2.5M - \$5M now quoted.

I will wait to see the updated mock-ups you mentioned. However, I want to be transparent: if the SAA remains in Aisle 1, it is highly likely that my report will maintain an opposition to the layout. Given our fundamental disagreement on the interpretation of "direct routes," this matter will likely need to be determined by the District Licensing Committee (DLC) at a public hearing.

I look forward to receiving the mock-ups.

Janine Green

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>

Sent: 16 February 2026 1:13 PM

To: Janine Green <janineg@hdc.govt.nz>

Subject: Re: FW: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

In response to your recent email, I would like to clarify several points regarding the case law and the commercial implications for the Flaxmere project.

Regarding *Rainger v General Distributors*, I was present for those proceedings. When the matter was returned to ARLA, the same issues you have raised were considered, and ARLA ultimately found the area to be compliant. That case specifically addressed the types of products adjacent to an in-aisle display. I note for the record that the location of the Single Alcohol Area (SAA) in our Hauraki Corner store, which this case refers to, is identical to that of Flaxmere—an area that ARLA has deemed compliant twice. Similarly, *General Distributors Ltd v Thames-Coromandel District Licensing Inspector [2024]* focused on the level of exposure for a store layout identical to our Hastings branch, which you referenced in your previous email. Both cases were about the display of alcohol *within* the SAA, not the SAA itself or its perimeter.

I find your comments regarding project viability to be both disappointing and misplaced. It is a matter of simple economics: our financial commitments and projected returns are based on specific construction costs and a full-service supermarket model. If a licensing assessment necessitates significant additional costs or results in a substantial decrease in revenue, the viability of the entire project must be re-evaluated.

I have just met with the design and build team, who advise that moving the area to a location similar to Woolworths Hastings (even though there will be questions about exposure in that location) will cost approximately **\$4.5 to \$5 million**. Broadly speaking, all of the refrigeration sits behind the back wall. Moving the area would require relocating that refrigeration infrastructure. As the building is now weathertight and the shell is complete, we would need to remove the facade, cut into the wall, build a new area, and re-establish the weathertight seal.

Alternatively, moving the area away from Aisle One to a location more acceptable to you—despite its current location being legally compliant—would cost approximately **\$2.5 million**. The floor is already laid and polished; this would need to be removed to allow for new trenching and plumbing for the refrigeration, effectively doubling the fit-out cost and triggering a redesign of the whole store. The current trenching and plumbing have already been laid. Drainage is another major issue. The floor must be angled to allow the fridges to drain properly. Moving the area means the floor of the entire aisle would need to be re-laid to achieve the correct gradient.

Referring to our responses as "fallacies" is disappointing and deeply concerning. These are not fallacies; they are operational realities. We operate 185 supermarkets around the country and are highly experienced in our field. CCTV cameras must be monitored and do little to alter behaviour in real-time. If they were entirely effective at immediately stopping antisocial behaviour, we would not have to worry about shoplifting. The reality is that we still face these issues despite having camera systems in place.

The core challenge is your determination that the proposed area will serve as a primary thoroughfare. We maintain that this is an incorrect assumption. It assumes customers will go to the SodaStream area and immediately walk to the checkouts,

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

using the store as a convenience store rather than a full-service supermarket. Requiring the SAA to be moved based on this premise imposes significant costs that threaten the project's feasibility. To suggest that we are not operating a true supermarket simply because we must reassess the store's viability based on your requirements—which are not supported by case law—is disappointing, especially given the scale of investment we are making in the Flaxmere community. Regarding your concern about people queuing in the SAA while waiting for checkouts, this is a theoretical risk rather than something that occurs in our stores with any frequency. It is so infrequent that we struggled to locate a store where this is an actual issue. However, to address this concern, we propose the following practical solutions:

- **Crowd Control Hoarding:** We will erect crowd control hoarding when the store is busy to actively prevent queuing in the Single Alcohol Area.
- **Aisle Barrier & Alternative Exit:** To address your theoretical concerns about thoroughfare, we propose erecting a small barrier across the front of the aisle (provided this does not impede fire egress). We will also create an alternative exit out of the SAA that directs people into the next aisle across, rather than directly out toward the checkouts.

It is our view that these measures comprehensively address your concerns regarding both thoroughfare and queuing.

I will send an updated mock-up of the area once it is ready, which should be this afternoon or tomorrow morning.

Regards,

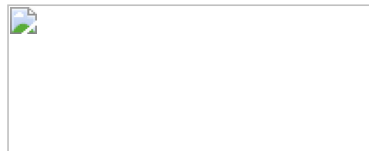
Paul Radich

National Alcohol Responsibility Manager

M 027 539 4732

E Paul.radich@countdown.co.nz

[80 Favona Road, Favona Auckland](#) 2024



On Mon, 16 Feb 2026 at 10:57, Janine Green <janineg@hdc.govt.nz> wrote:

Hi Paul,

Thank you for your update. I look forward to hearing the outcome of your consultation with the design and senior leadership teams.

To assist with those internal discussions, I would like to clarify the Inspectors position on several key points:

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

- **Statutory Duty and Redesign:** While it is not the Council's role to redesign a supermarket, it is my duty to report on whether a proposed layout meets the requirements of **Sections 112 and 113** of the Act. I do not believe it does in its current form. I would not be fulfilling this role effectively if I did not question a layout that presents such clear challenges to harm minimisation—particularly the "thoroughfare" nature and scale of the alcohol area in Aisle 1.
- **The DLC's Authority over Layout:** As you will be well aware, the High Court in *Rainger v General Distributors Ltd [2019]* and *Medical Officer of Health v G & B Hasler Ltd [2018]* confirms that the DLC has the final authority to describe the perimeter of the Single Alcohol Area (SAA). As per *Rainger*, if the DLC finds a proposed area is incompatible with the purpose of **Section 112(1)**, they are entitled to decline the application or require a revised plan at another location within the store.
- **Case Law and Benchmarking:** Current case law (*General Distributors Ltd v Medical Officer of Health [2019] NZARLA 200*) requires the decision-maker to perform a "comparative exercise" between the applicant's proposal and reasonably practicable alternatives. Your **Woolworths Hastings** branch utilizes a "destination" model successfully, which serves as evidence to the DLC that a more sequestered, lower-exposure layout is practicable for your business model.
- **Scale and "Dwell Zones":** The proposed 35m of linear shelving exceeds the scale of the previous New World Flaxmere. Furthermore, by placing the area opposite the self-checkouts, you are utilizing a primary "dwell zone" where shoppers and minors are forced to wait with a large alcohol display as their primary visual backdrop. ARLA recently noted in *General Distributors Ltd v Thames Coromandel District Licensing Inspector [2024]* that it is "incomprehensible" to claim to limit exposure when the layout allows significant visibility without a shopper even entering the SAA.
- **The Fallacy of the "Visibility" Justification:** Since modern supermarkets utilize CCTV and roaming staff to monitor many areas (as outlined in your application), using "line of sight from the till" as a justification for an Aisle 1 location appears more commercial than safety-led.
- **Agency Alignment:** I have had preliminary discussions with the **Medical Officer of Health** regarding this application. They share these significant concerns regarding the prominence and scale of the proposed SAA in this specific catchment.
- **Project Viability:** I am surprised by the suggestion that the viability of this project is contingent on the specific placement of a single alcohol aisle. If the project's success is truly dependent on high-exposure alcohol placement in Aisle 1, it raises questions about whether alcohol is indeed ancillary to the business model.

Reasonable Practicability and Resolution: I want to be clear that I am mindful of the "reasonably practicable" threshold. I am not suggesting a multi-million dollar store-wide redesign. However, I believe there are other reasonably practicable solutions that would satisfy the Act without imposing prohibitive costs. My goal is to achieve a layout that meets the statutory requirements for harm minimisation in this already suffering community.

My preference remains to reach a resolution through dialogue. I am open to discussing modifications that move the SAA away from the primary thoroughfare in a way that is sensitive to your construction constraints. However, if we cannot find a middle ground that limits exposure so far as is reasonably practicable, the matter will naturally need to be determined by the DLC at a public hearing.

I look forward to your update next week.

Kind regards,

Janine Green

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

LAP Lead / Alcohol Licensing Inspector

Note: I work Monday to Friday 8.30 am to 12.30 remotely

From: Paul Radich <paul.radich@woolworths.co.nz>

Sent: 16 February 2026 9:38 AM

To: Janine Green <janineg@hdc.govt.nz>

Cc: GDL Alcohol Licensing <gdlalcohollicensing@russellmcveagh.com>

Subject: Re: FW: Woolworths Flaxmere - Application for new off-licence

Dear Janine,

Thank you for your feedback.

While I appreciate the context you provided, the Flaxmere application is subject to established case law from ARLA, the High Court, and the Court of Appeal regarding the permissibility of Single Alcohol Area (SAA) locations. I encourage you to review the relevant rulings on this matter. Furthermore, it is not the role of the Council to redesign supermarket layouts. While other stores in the Hastings district may have different configurations for various reasons, suggesting those layouts are universally applicable here does not account for the specific operational challenges of the Flaxmere site. Those locations provide different issues in Flaxmere and it is arguable that those locations may be more harmful than the current location but for different reasons. The proposed area is wholly contained within a single aisle.

I am meeting with our construction team this morning to determine if any adjustments can be made to address your concerns. However, we must be clear that we are not in a position to spend an additional one to two million dollars to redesign the store layout or relocate existing refrigeration and plumbing infrastructure. If a resolution cannot be reached, we may have to reconsider the future of the new supermarket build in Flaxmere entirely.

We maintain that the "Object of the Act" is best met through operational excellence and a proven commitment to harm minimisation in high-risk communities, rather than the physical location of a compliant SAA.

I will follow up with you once I have consulted with our design team and senior leadership regarding the layout and the future of the overall project.

Nga Mihi

Paul Radich

National Alcohol Responsibility Manager

M 027 539 4732

E Paul.radich@countdown.co.nz

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Re: Woolworths Flaxmere - Application for new off-licence - Janine Green - Outlook

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16/16



13 March 2026

To: Paul Radich (General Distributors Limited)
From: Allison Arthur-Young and Cara Gibson (Russell McVeagh)

Subject: Location of single alcohol area, "most direct pedestrian route"

Most direct pedestrian route

1. In relation to the display and promotion of alcohol in supermarkets, section 113(5) of the Sale and Supply of Alcohol Act 2012 ("**Act**") requires that the single alcohol area ("**SAA**") in a supermarket must:
 - (a) be a single area; and
 - (b) not contain the "most direct pedestrian route" between:
 - (i) any entrance to the premises and the main body of the premises; or
 - (ii) the main body of the premises and any general point of sale.
2. The Act is express that the purpose of this section is to limit (so far as is reasonably practicable) the exposure of shoppers in supermarkets to displays and promotions of alcohol.¹
3. The "most direct pedestrian route" is not defined in the Act, nor is the "main body" of the premises. However, case law (which is well settled) assists in the interpretation of section 113(5), as does a plain language reading. The High Court has said that if a shopper is able to enter a store, select items for purchase, and take them to a point of sale without passing through a delineated alcohol area, the shopper has taken the most direct pedestrian route between any entrance and the main body of the premises, and between the main body of the premises and any general point of sale.²
4. The Authority has also distinguished between routes that require a shopper to pass through the SAA as opposed to bypassing it.³ The Authority has said that applying section 113(5) in an unduly broad way "would require all alcohol areas to be in a separate room or alcove

¹ Section 112(1).

² *Medical Officer of Health v G & B Hasler Ltd* [2018] NZHC 1208 at [44(c)].

³ *Re General Distributors Ltd* [2018] NZARLA 267 at [37].

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away from other products." The Authority rejected that notion, and was clear "there is no such requirement under the Act".⁴

5. In *J & C Vaudrey Ltd v Canterbury Medical Officer of Health*,⁵ the Court of Appeal held that "the main body of the premises cannot, necessarily, mean the entirety of the premises".
6. In *Rainger v General Distributors Ltd*,⁶ the Authority dismissed an appeal by the Medical Officer of Health challenging the SAA at Countdown Hauraki Corner. The Medical Officer did not challenge the SAA's location but argued the proposed aisle-end displays should be excluded from its perimeter. The Authority confirmed the SAA (an in-aisle layout) complied with section 113(5),⁷ and held that the small benefit of removing the aisle-end displays did not outweigh the sacrifices required, including the cost of relaying the store and the practical difficulties of relocating product.
7. The legislative history of the SAA provisions of the Act is also instructive, and is set out in detail by the High Court in *Christchurch Medical Officer of Health v J & C Vaudrey Ltd*. There, the Court records that an earlier iteration of the relevant Bill suggested prohibiting the display of alcohol in "all or any part of a thoroughfare", and / or routes most customers would find difficult to avoid. Through extensive debate and amendment, section 113(5) emerged, with those phrases amended to instead reference the "most direct pedestrian route".⁸
8. The above underscores the (well settled) position that SAAs are not required to be "hidden away" in separate rooms, or away entirely from shoppers. Alcohol can lawfully be seen by customers, and customers can lawfully walk past SAAs. They do so in every supermarket in New Zealand, including where SAAs are in aisle, at the front of stores, at the rear, and in alcoves.
9. The proposed SAA at Woolworths Flaxmere is clearly not located in one of the prohibited areas. It does not contain the most direct pedestrian route between the entrance and the main body of the premises, or between the main body of the premises and the point of sale. Customers are not required to go through the SAA, and can bypass the area. Customers will be able to complete an entire shop without ever entering the SAA.
10. The Flaxmere SAA is an in-aisle configuration (a common supermarket layout), but without end of aisle displays, and with the addition of a unique "cut through" to enable customers to move from the back of the produce department through to aisle 2, entirely by-passing the SAA (and with no rear end of aisle displays as was, for example, endorsed in *Rainger*⁹).
11. We note the Inspector has referred to "dwell zones" in her correspondence. This is not a concept found in the Act or relevant jurisprudence. The Inspector's statement that the SAA serves as a "thoroughfare" for shoppers moving from produce towards staple products is also not a concept found in the Act.

⁴ *Re General Distributors Ltd* [2018] NZARLA 267 at [37].

⁵ [2016] NZCA 539.

⁶ [2020] NZARLA 100.

⁷ *Rainger v General Distributors Ltd* [2020] NZARLA 100 at [205].

⁸ *Christchurch Medical Officer of Health v J & G Vaudrey Ltd* [2015] NZHC 2749 at [33] – [52].

⁹ *Rainger v General Distributors Ltd* [2020] NZARLA 100 at [205].



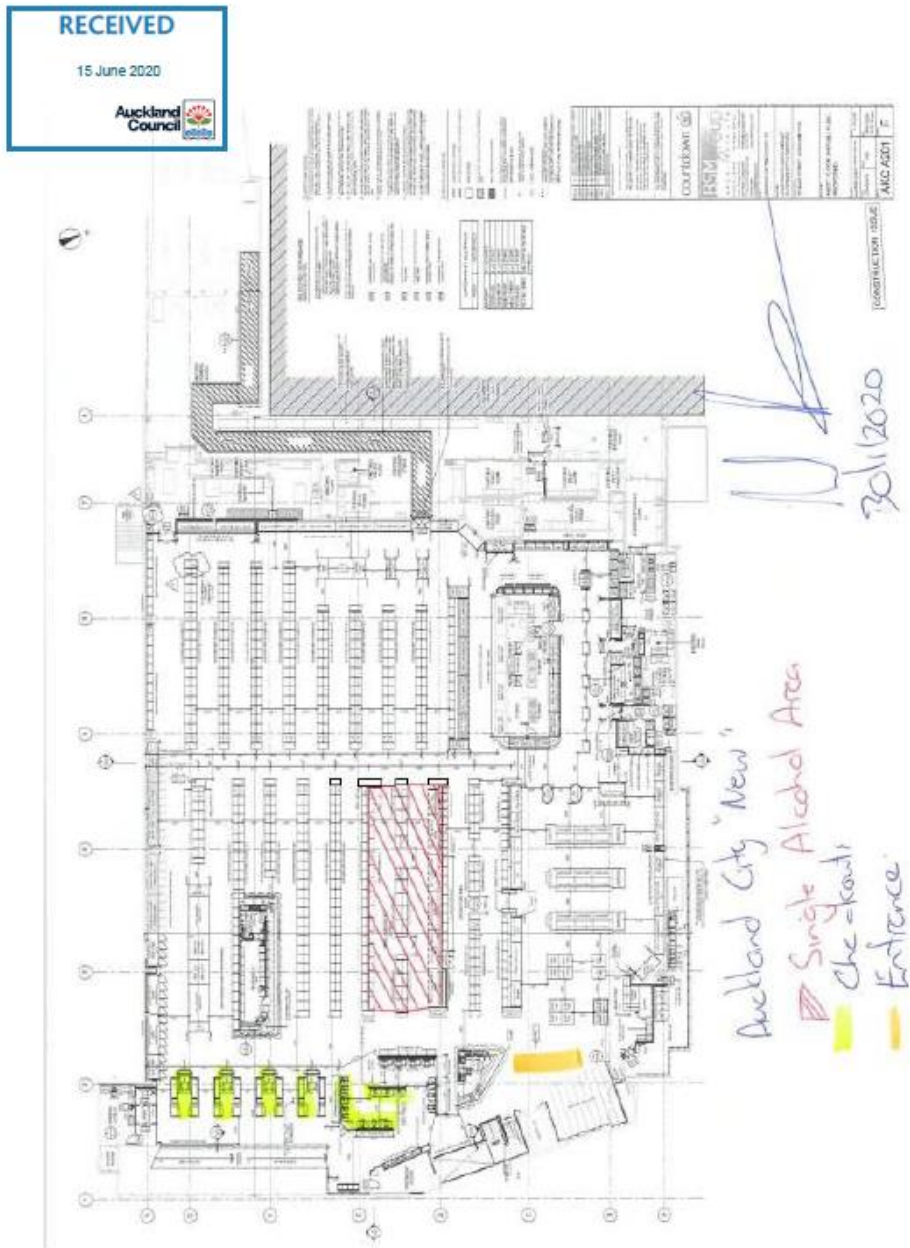
12. Many shoppers do not shop in the way the Inspector asserts (she says "when a customer enters for a weekly shop, they begin in fresh produce and then proceed aisle by aisle"), but even for those who do, the unique design of the Flaxmere SAA enables a shopper to utilise the deliberately designed cut through and move from the produce area to other aisle, without having to enter the SAA at all.

Exposure

13. The purpose of sections 112 – 114, the Act's provisions which mandate the way in which SAAs are to be described, is to limit, so far as reasonably practicable, the exposure of shoppers in supermarkets to displays and promotions of alcohol and advertisements for alcohol.
14. This purpose is not an absolute requirement that must be met in all cases.¹⁰ Case law is also clear that:
- (a) "Limit" exposure means to circumscribe, restrict or reduce – it does not mandate prohibition or require it to be eliminated altogether.¹¹
 - (b) "So far as reasonably practicable" does not have the same meaning as what is possible or feasible.¹² It imports the concept of proportionality, requiring a balancing between the benefit sought to be secured and the resulting sacrifices (for example, cost, time, difficulty and inconvenience).¹³ Operators are not required to take every possible step to limit exposure or to do so at all costs.¹⁴

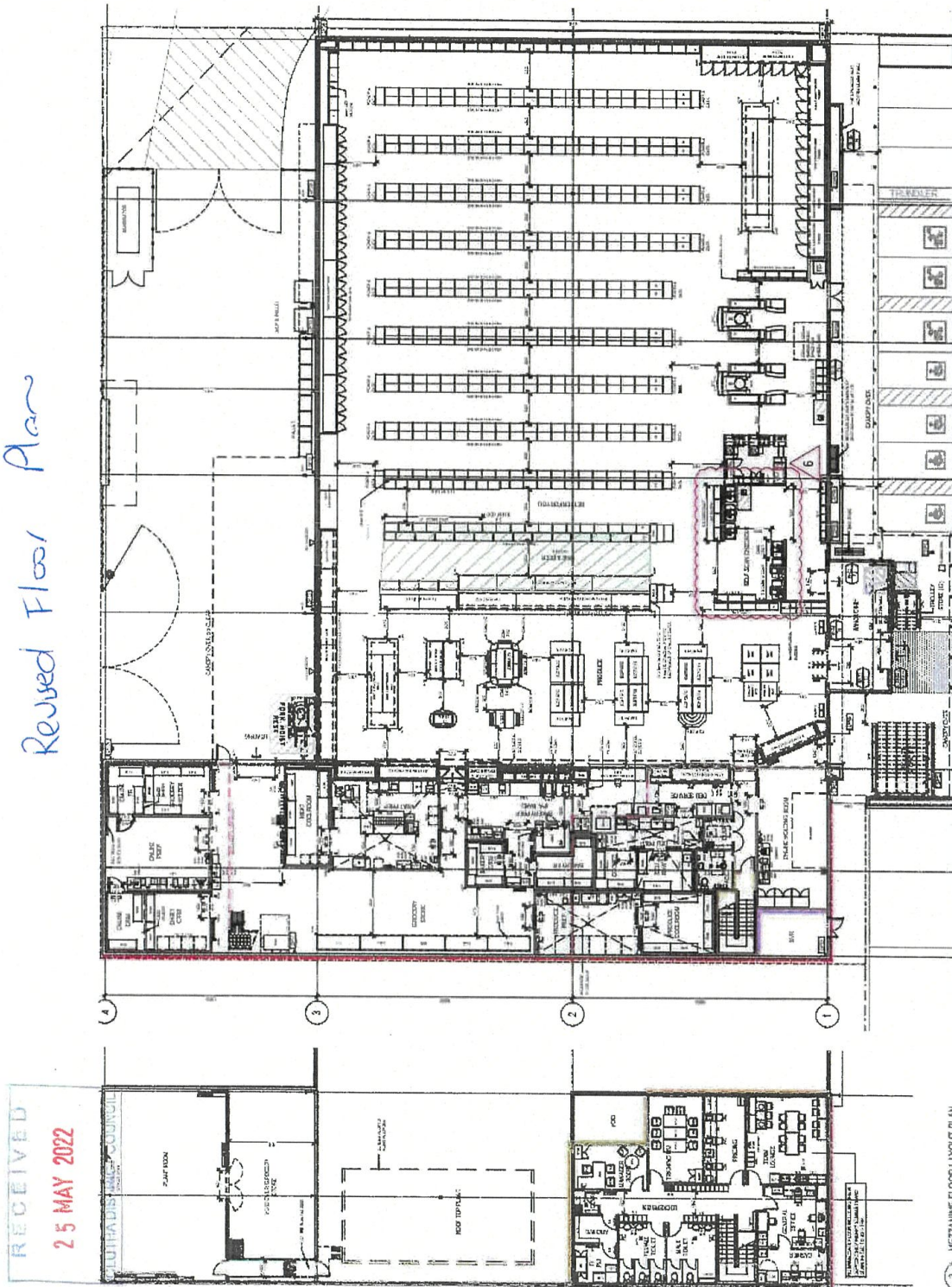
Russell McVeagh

¹⁰ *Christchurch Medical Officer of Health v J & G Vaudrey* [2015] NZHC 2749 at [9].
¹¹ *Christchurch Medical Officer of Health v J & C Vaudrey Ltd* [2015] NZHC 2749 at [81].
¹² *Christchurch Medical Officer of Health v J & C Vaudrey Ltd* [2015] NZHC 2749 at [85].
¹³ *Christchurch Medical Officer of Health v J & C Vaudrey Ltd* [2015] NZHC 2749 at [83].
¹⁴ *Christchurch Medical Officer of Health v J & C Vaudrey Ltd* [2015] NZHC 2749 at [88].

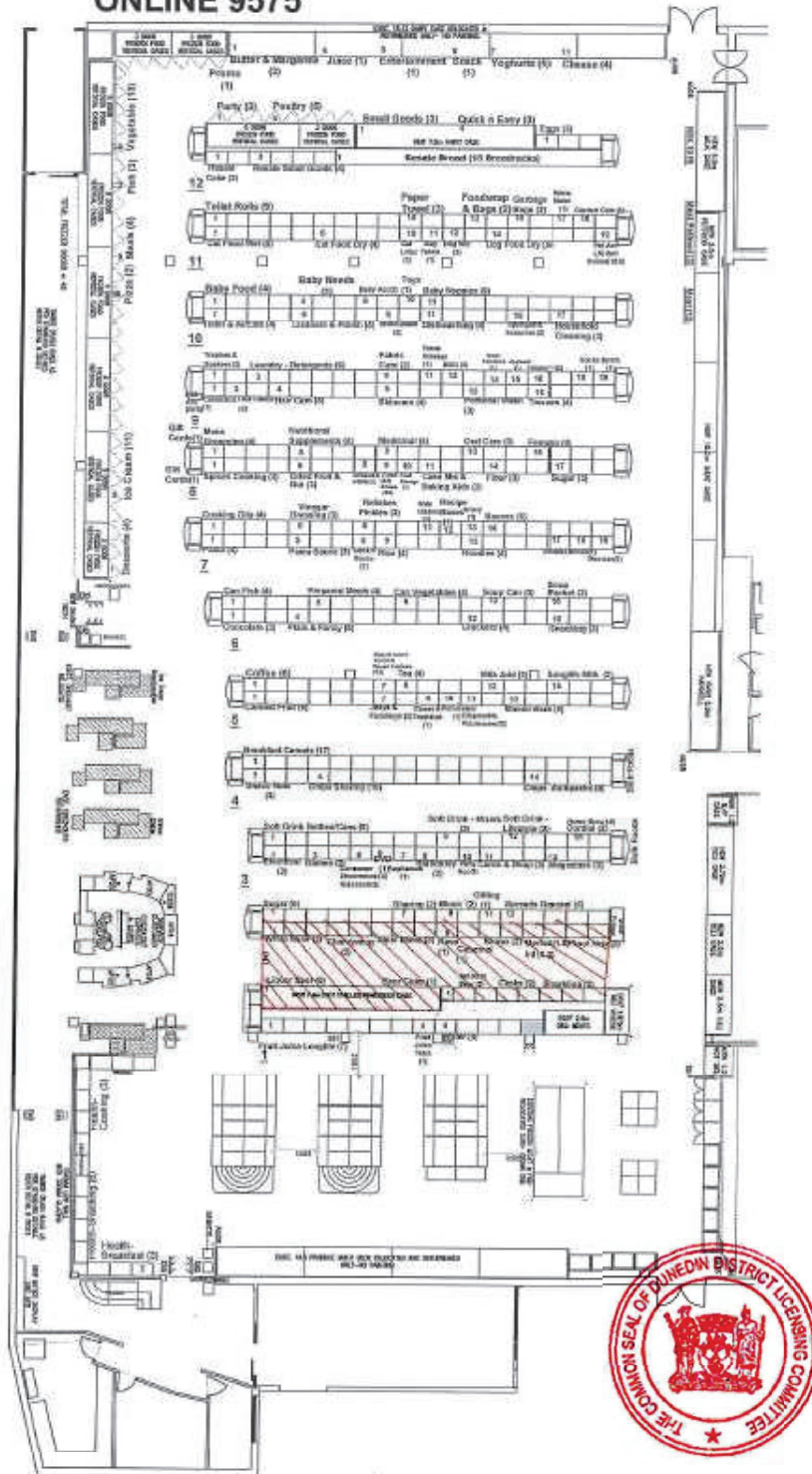


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Revised Floor Plan



CD ANDERSON'S BAY 9442 17-07-2018 ONLINE 9575



Data and information; the object of the act / Amenity and good order

- 1.1 This attachment provides supplementary data and information relevant to the evaluation of the proposed Woolworths supermarket off-licence in Flaxmere. It is intended to assist the Committee in assessing the application against the statutory objectives of the Sale and Supply of Alcohol Act 2012, in particular the object of the Act (Section 4) and the maintenance of amenity and good order (Section 105 h & i).
- 1.2 The material includes community-level alcohol harm statistics, public health and emergency department evidence, socio-economic context, and relevant case law. These observations are drawn from publicly available data, peer-reviewed research, and statutory guidance, and are presented to inform the Committee's evaluative assessment; they do not constitute technical advice on supermarket design or operational planning.

2.0 Flaxmere demographic

- 2.1 Flaxmere, a suburb of Hastings, has a growing population of approximately 12,190, known for being significantly younger, more ethnically diverse, and having a higher Māori population (58.3%) compared to the national average. It is characterized by high rates of renting, a strong community-focused environment, and a median age of 28.8 years.

3.0 Object of the Act

3.1 Disproportionate Harm in High-Deprivation Communities

- 3.2 Flaxmere is identified as a NZDep Decile 9/10 community, representing the highest level of socio-economic deprivation in New Zealand.
- 3.3 Public health research confirms the "alcohol harm paradox," where individuals in high-deprivation areas experience significantly higher levels of health and social harm per litre of alcohol consumed than those in wealthier areas, even when consumption levels are identical.
- 3.4 New Zealand research shows that unemployment, low income, and low qualifications significantly increase the risk of serious alcohol-related harm—such as physical fights, serious arguments, and dependence— independently of drinking levels.
- 3.5 Any increase in alcohol availability in a high-deprivation area like Flaxmere carries a heightened risk of generating disproportionate harm, directly engaging the object of the Act.

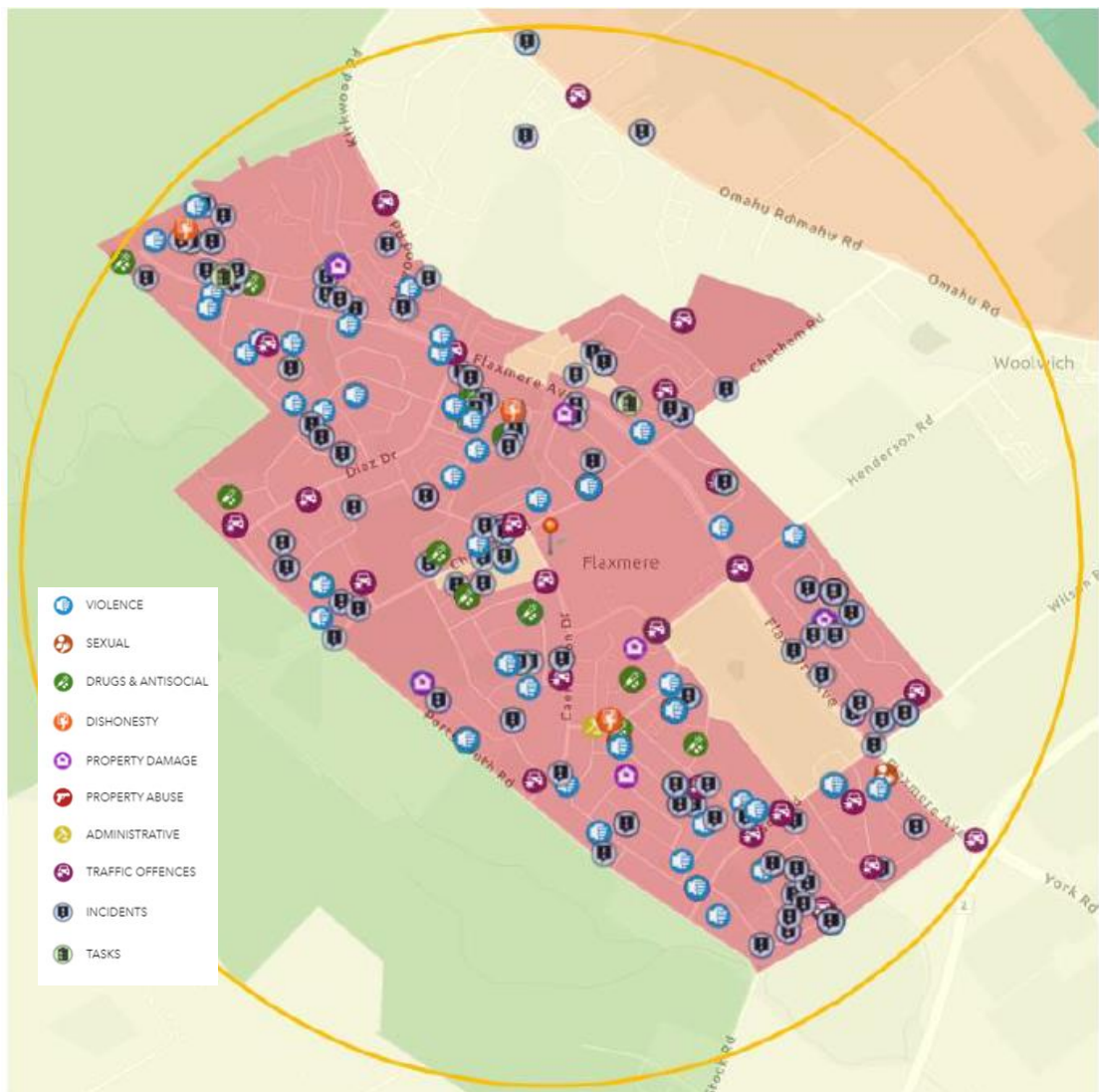
3.6 Localised Alcohol-Related Harm Data

Police Statistics:

- 3.7 Despite a lower density of licensed premises compared to Havelock North, Flaxmere experiences disproportionately higher police-recorded alcohol harm:
 - **Total Alcohol Incidents:** Over the two most recent reporting periods, Flaxmere consistently recorded substantially higher rates of alcohol-related incidents than Havelock North. In 2023–2024, Flaxmere recorded 495 incidents for a population of 12,190 (approximately 40.6 incidents per 1,000 residents), compared with 267 incidents in Havelock North for a population of 15,200 (approximately 17.6 per 1,000 residents). In 2024–2025, Flaxmere recorded 431 incidents (approximately 35.4 per 1,000 residents), while Havelock North recorded 205 incidents (approximately 13.5 per 1,000 residents). (Expressing incidents per capita highlights the disproportionately high rate of alcohol-related harm (more than double) in Flaxmere relative to other local communities. (These figures should be interpreted with some caution, as the incident data is mapped using radius-based catchments, while the population estimates relate to suburb or statistical area boundaries.)
 - **Family Harm:** Flaxmere recorded 290 family harm incidents in 2024–2025, accounting for 67% of all alcohol-related incidents in the suburb. This is more than seven times the rate of Havelock North (41 incidents).
 - **Residential Concentration:** Over 60% of alcohol-related incidents in Flaxmere occur in residential settings—unregulated environments where alcohol from off-licences is primarily consumed.

- **Road Safety:** Drink-driving incidents in the locality increased from 72 to 93 (2023–2024)
- **Harm time / day analysis** - Police crime data shows in both Flaxmere and across Hastings, alcohol-related harm is highest in the most deprived areas, over the weekend and after 7pm. (NZ Police Headquarters data 2024 / 2025 – Hastings District Council Research paper and Preferred Position paper 2025)
 - Analysis of incident timing indicates that alcohol-related harm is concentrated over weekends and after 7 pm. This temporal pattern is relevant when considering supermarket trading hours, as it identifies periods when increased off-licence alcohol availability may intersect with higher-risk times for the community, informing the Committee’s evaluation under Sections 4 and 105 of the Act.

3.8 There are high levels of alcohol related harm within Flaxmere generally, some of which effect amenity and good order of the locality. The below shows the types of harm occurring in Flaxmere graphically (2023-2024) sourced from NZ Police.



Public Health and Emergency Department (ED) Evidence:

- **Severity of Harm:** There were 618 alcohol-related ED presentations in the Hastings District in the recorded period. Of these, 25% required inpatient admission, and 27 cases required resuscitation, indicating the high acuity of local alcohol harm.
- **Suburb Ranking:** Flaxmere East recorded the second-highest number of alcohol-related ED presentations in Hawke's Bay. All Flaxmere suburbs currently feature in the top seven most affected suburbs in the region.
- **Demographic Vulnerability:** Māori, males, and youth (15–24) are significantly overrepresented in the local admission data.
- **Global Standards:** Current World Health Organization (WHO - 2023) guidance states there is no "safe" level of alcohol consumption. In a high-deprivation context, this lowers the threshold of what constitutes "acceptable" risk when considering a new high-volume off-licence. (*World Health Organization. No level of alcohol consumption is safe for our health [Internet]. 2023 [cited 2025 Mar 31].*)

Public Health Evidence

3.9 These data points demonstrate persistent, serious harm already occurring in the community. Increasing alcohol availability through a new off-licence is likely to intensify this harm, making it difficult to meet the object of minimising alcohol-related harm.

3.10 The Role of Supermarket Off-Licences in Normalising Harm

3.10.1 Off-licences supply the majority of alcohol consumed in New Zealand:

- Over 80% of all alcohol is purchased from off-licence premises.
- **Supply Dominance:** Supermarkets account for 60% of off-licence wine sales and 30% of beer sales, despite making up only 11.7% of off-licences in Hastings. (*Hastings District Council; Preferred position paper 2025*) (*M.E Consulting. (2018). New Zealand alcohol supply and demand structures: Research report. Wellington: Health Promotion Agency. Retrieved from <https://www.hpa.org.nz/our-work/research/publications>*) (*McBride-Henry K, Lui SM, Woods L, Officer TN. Consumer alcohol exposure in supermarkets: legislatively adherent, but a societal problem. Australian and New Zealand journal of public health. 2020;44(1)22-27. Available from: <https://doi.org/10.1111/1753-6405.12963>*)
- **Hazardous Drinking:** 76% of alcohol consumed by hazardous drinkers is sourced from off-licences. (*Torney A, Room R, Jiang H, Huckle T, Holmes J, Callinan S. Where do high-risk drinking occasions occur more often? A cross-sectional, cross-country study. Drug and Alcohol Review. 2024;43(5):1172–7*)
- **Emergency department data indicates that most patients purchased their alcohol from off-licence premises.** (*Joyce LR, Cleland L, Forman E, Hlavac A, Foulds J, Crossin R. Changes in alcohol-related emergency department presentations-a comparison of three waves in 2013, 2017 and 2022. The New Zealand Medical Journal (Online). 2024;137(1593):56–67*)

1.1.1 **Retail Normalisation:** The sale of alcohol alongside everyday essentials (bread, milk, eggs) normalises the product for the high proportion of youth in Flaxmere, increasing the likelihood of early initiation and long-term harmful use.

3.10.2 Given this, a new supermarket off-licence represents a significant increase in alcohol availability in a high-harm, high-deprivation area. This engages the Act's requirement to minimise alcohol-related harm.

3.11 Community Concerns and Support for Restriction

3.11.1 Recent community surveys through the Local Alcohol Policy process in Hastings show, 54% support reduced trading hours for supermarkets and 51% consider supermarkets a key source of alcohol-related harm. (*Hastings District Council; preferred position paper 2025*)

3.11.2 Submitters on the Local Alcohol Policy also emphasised that:

- Māori, youth, and low-income families experience the greatest alcohol-related harm.
- The Council has a duty to protect vulnerable communities.
- Economic benefits cannot outweigh the social costs of increased harm.

3.11.3 These concerns align directly with the purpose of the Act.

3.12 Inspectors' final comments on the object of the Act

3.12.1 To be consistent with the Act, inspectors consider that the following must be taken into account:

- 1) High and persistent levels of alcohol-related harm, evident in both ED and Police data.
 - 2) Hawke's Bay records the highest levels of hazardous drinking in New Zealand.
 - 3) Residents of deprived communities face significantly increased vulnerability.
 - 4) Off-licence premises dominate alcohol supply, with most harm occurring in homes.
 - 5) Community concern about supermarket-supplied alcohol, and
 - 6) Emerging evidence supporting stricter availability controls.
 - 7) Updated local data and WHO guidance—highlighting that even small amounts of alcohol carry risk—lowers the threshold for harm.
- 3.12.2 Approving a new supermarket off-licence in Flaxmere would therefore create a clear and foreseeable risk of increased alcohol-related harm. This is inconsistent with the Act's object, which requires minimising harm and protecting the community from the adverse effects of alcohol.
- 3.13 **Relevant case law; The object of the act**
- 3.13.1 Re Penoy Spirits Ltd [2014] NZARLA 697**
- 3.13.2 The Authority stated at [19]:
"The object referred to in s 4 of the Sale and Supply of Alcohol Act 2012 is different from that in s 4 of the Sale of Liquor Act 1989. Now the aim is the minimisation of alcohol-related harm; not merely its reduction. Minimisation means 'reduced to the smallest amount, extent or degree' (New Shorter Oxford English Dictionary)."
- 3.13.3 And at [33]:
"Ultimately, having considered all the criteria, the decision maker (whether it be a District Licensing Committee or the Authority) must stand back and question whether the object of the Act can be achieved by the grant of a specific application. If the object of the Act cannot be achieved, then the application must be refused."
- 3.13.4 Key principle: The statutory object must be considered as a standalone, decisive factor and that if the object cannot be met, the application cannot succeed or be fixed.
- 3.13.5 Patels Superette 2000 Ltd v Muir**
- 3.13.6 Kelly J stated:
"As a result, it may be that a single criterion is itself a sufficient reason to decline an application. Indeed, within the requirement to stand back and cross-check the application against the object of the Act is the obligation to decline an application where the object of the Act cannot be achieved by an application, even if one or more of the other criteria are satisfied."
- 3.13.7 Gendall J added: "If the object of the Act cannot be achieved by the application, then it cannot succeed."
- 3.13.8 Key principle: In certain circumstances, one of the s 105 criteria may assume an elevated mantle. The statutory object must be considered as a standalone, decisive factor.
- 3.13.9 Young v Lyger Investments Ltd [2018] NZARLA 299**
- "If granting an application is inconsistent with the object of the Act, or will not achieve the object of the Act, then the application must be declined/refused/dismissed. It is not possible to cure an application that is inconsistent with the object of the Act by granting the application and then imposing conditions on the licence."*
- 3.13.10 Key principle: Failure to meet the object cannot be remedied by conditions, and evaluative factors must inform the assessment of the object itself.
- 3.13.11 Singh 13 Investments Ltd [2025] NZHC 2868 (Wickman Way)**
- 3.13.12 The High Court confirmed that the object of the Act is a decisive ground in licensing decisions. It emphasised that:
- The minimisation of alcohol-related harm must be assessed independently.
 - Community context, deprivation, and local vulnerability are fully relevant when assessing whether the object can be achieved.
 - An application that cannot meet the object of the Act cannot be cured by conditions or by satisfying other criteria.
 - Clarifies that it is not necessary to prove a direct causative link between a licensed premises and specific alcohol-related harm. Rather, the legislation requires only an evidential foundation showing a real risk

of harm from granting the licence. If such a risk exists, the object of minimising alcohol-related harm is engaged and must be reduced to the smallest possible degree.

3.13.13 Key principle: Evidence of socio-economic vulnerability and potential harm informs the evaluation of the object, without forming separate grounds for refusal, causal link to a premises is not required.

3.13.14 Summary Principle

3.13.15 Across all authorities:

- The object of the Act must be considered independently and decisively.
- Community context, deprivation, and local vulnerability are fully relevant when assessing whether the object can be achieved.
- An application cannot succeed if it cannot meet the object.

4.0 AMENITY AND GOOD ORDER FURTHER INFORMATION

4.1 In forming an opinion under section 105(1)(h) as to whether the amenity and good order of the locality would be likely to be reduced, by more than a minor extent, if the licence were issued, inspectors have considered:

(a) The following matters as they relate to the locality:

- (i) Current and potential future noise levels;
- (ii) Current and potential future levels of nuisance and vandalism;
- (iii) The number of existing premises holding licences of the same kind; and

(b) The extent to which the following purposes are compatible:

- (i) The purposes for which land in the vicinity of the premises is currently used;
- (ii) The purposes for which the applicant intends to use the premises if the licence is granted.

4.2 Proximity to Sensitive Sites

4.3 The proposed premises is located within a commercial hub but is in immediate proximity (under 500m) to several highly sensitive community sites:

- **Education:** Flaxmere College (170m), Te Kōhanga Reo o Whanake Te Kura (200m), and Irongate School (331m).
- **Community Spaces:** Flaxmere Park (100m), which includes a playground and congregational areas for youth. This park is subject to a permanent alcohol ban due to historically high levels of alcohol related public place harm.
- **Spiritual Sites:** Multiple churches, including the Flaxmere Baptist Church (214m) and the Church of Jesus Christ of Latter-day Saints (247m).

4.4 Current State of Locality

4.5 **Nuisance and Noise:** While the commercial centre and vicinity is generally well-maintained, the wider Flaxmere experiences general noise issues, with 287 complaints regarding noise between 1 January 2025 and 15 December 2025 based on Amourguard data, with 51 end noise notices served and an additional 22 where Police were called to assist to serve the notice or deal with issues. Noting that not all occurrences of noise are alcohol related as this is not data that is recorded.

4.6 **Security Concerns:** Previous operators of local supermarkets have noted issues with loitering and petty theft (shoplifting).

4.7 **Cumulative Impact:** While the supermarket is a compatible land use for a commercial zone, the addition of a high-volume alcohol outlet in a cluster that already contains a bottle store and a tavern (with off-licence) and a small local supermarket increases the risk of localized nuisance.

5.0 Flaxmere Future state

5.1 Flaxmere has experienced modest population growth over the past 5–10 years, and this trend is expected to continue. Further residential and commercial developments are planned, with around 1,000 new homes expected to be delivered in Flaxmere over the next 10 years through various housing projects

6.0 Conclusion

- 6.1 Overall, data from Police, public health sources, community feedback, and local deprivation indicators demonstrate that Flaxmere experiences high and persistent levels of alcohol-related harm.
- 6.2 The Inspector concludes that the establishment of a new, high-capacity supermarket off-licence in this specific Decile 10 locality presents a foreseeable risk of escalating existing harm.
- 6.3 The transition from a compact legacy format to a 35-metre alcohol area constitutes a significant intensification of alcohol availability.
- 6.4 Given the high rates of residential alcohol harm and family violence in Flaxmere, increasing the volume and visibility of off-licence alcohol is inconsistent with the statutory requirement to minimise harm.
- 6.5 Off-licence alcohol is a major contributor, with most incidents occurring in unregulated residential settings. Residents of deprived communities face significantly increased vulnerability, which lowers the threshold for harm and amplifies risk.
- 6.6 Consistent with the High Court findings in *Singh 13 Investments Ltd [2025]* and *Patels Superette 2000 Ltd v Muir*, if the object of the Act (harm minimisation) cannot be achieved, the application must be declined. In the evaluative opinion of the Inspector, the proposed expansion of alcohol retail in this vulnerable community cannot be reconciled with Section 4 of the Act.

27 February 2026

The Secretary
District Licensing Committee
Hastings

Tēnā koe

RE: SALE AND SUPPLY OF ALCOHOL ACT 2012
APPLICATION FOR NEW OFF LICENCE
APPLICANT: General Distributors Limited
PREMISES: Woolworths Flaxmere: 4 Swansea Rd, Flaxmere, Hastings

The Medical Officer of Health (MOoH) has inquired into this application and has matters in opposition.

The application is opposed under the following sections of the Sale and Supply of Alcohol Act 2012:

Section 3 The Purpose

The purpose of the Act is to have a system of control over the sale and supply of alcohol that benefits the community as a whole.

Section 4 The Object of the Act

The Object is that the consumption of alcohol is to be undertaken safely and responsibly, and the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Section 105(1)(a) – Object of the Act

The application for an additional off-licence in this locality may offend the object of the Act in that there will be an increase in supply of alcohol and easier accessibility. Together, but not limited to these two factors, may lead to the excessive or inappropriate consumption of alcohol within this community.

Section 112–115 Single alcohol area

Our primary opposition to the application relates to the proposed single alcohol area (SAA). Section 112(1) provides that the purpose of sections 112 to 114 is to limit (so far as is reasonably practicable) shoppers' exposure to the display and promotion of alcohol, and alcohol advertising. The proposed design does not, in our view, adequately achieve that purpose for the following reasons.

Size

The proposed SAA occupies a substantial footprint, increasing the volume and range of alcohol readily accessible within the premises. The prominence and scale of the area may also have the effect of elevating alcohol as a focal product offering within the store.

Thoroughfare section 113(5)(b)

The proposed SAA is located in one of the most direct pedestrian routes from the main body to the point of sale, particularly the self-checkouts. This increases the likelihood of routine, repeated exposure to alcohol displays in the course of ordinary grocery shopping.

Location to checkouts

The proposed SAA is immediately adjacent to the self-checkouts. Based on the layout diagram and typical supermarket operations, during peak periods, queues are likely to form alongside the SAA, resulting in prolonged proximity and exposure to alcohol displays while customers wait to pay.

Products next to the SAA

In the layout diagram, the SAA is positioned adjacent to high-demand grocery items (including ice cream, drinks, and ready meals). Many of these products are frequently purchased by children and young people, and the proximity of alcohol displays to these items increases incidental exposure for under-18s.

Accessibility

The SAA is highly accessible, with a direct route from the entrance to the SAA and then to the checkouts being very short. This proposed layout results in making alcohol one of the easiest to access products in the store. Its placement and ease of access increase the likelihood of unplanned or impulse alcohol purchases.

Practicality to amend

In our view, there are multiple practicable alternative locations within the supermarket and locations which are commonly used by other GDL stores and other supermarkets, including positions that would better limit exposure to alcohol (so far as is reasonably practicable). The premises is still under construction and hence relocation should be relatively inexpensive and practical.

Section 105(1)(b) – Suitability:

The proposed premises is in a locality characterised by high levels of deprivation and alcohol-related harm. In these circumstances, we consider it appropriate that the applicant's suitability be subject to a high level of scrutiny, including the adequacy of proposed systems, oversight, and compliance arrangements.

While the applicant is a large organisation, scale in itself does not mitigate risk. Given the size of the premise the consequences of incorrect procedures have a potential larger effect. We have concern that the application appears to be generic in nature, with limited site-specific detail demonstrating how the applicant has considered the particular context of this locality and tailored proposed controls, oversight, and compliance arrangements accordingly.

The application provides limited evidence of meaningful engagement with the local community, which is particularly important in a locality experiencing significant deprivation and alcohol-related harm. In addition, the absence of local ownership may reduce day-to-day accountability and effective oversight at an individual store level. These matters underscore the importance of being satisfied that robust compliance systems will be in place at the specific proposed premises.

Section 105(1)(h) – the amenity and good order of the locality would be likely to be reduced

The proposed premises is in a vulnerable community with high deprivation and already high rates of alcohol harm. In addition, it is located next to several sensitive sites. Directly opposite is a church and a Kōhanga Reo. Nearby there are several schools, places of worship, and health services. The proposed premise is located within 300 meters of three existing off license premises. Hence, a further license increases the availability of alcohol in this community which can lead to a reduction in good order of the locality.

Overall position and pathway to resolution

For the reasons above, the MOoH opposes the granting of this application. If the applicant wishes to address the matters in opposition, we are willing to engage in discussion on practical amendments. Without limiting our position, we would consider withdrawing opposition if the applicant provides, in writing, satisfactory amendments including:

1. A revised SAA plan that better limits shoppers' exposure to alcohol, including avoiding the most direct pedestrian routes and reducing proximity to points of sale/queues.
2. Clear, site-specific operational detail relevant to the specific location.
3. Evidence of meaningful engagement with the local community and how feedback has been considered in the proposed operation of alcohol sales at this premise.

Ngā mihi



Dina Rykers
Compliance Officer
Smokefree Environments and Regulated Products Act Enforcement Officer
Te Whatu Ora – Hawkes Bay

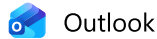
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Te Kāwanatanga o Aotearoa
New Zealand Government

3/9/26, 10:04 AM

Fw: [EXTERNAL] 29/OFF/002/26 - General Distributors Limited - Janine Green - Outlook




Fw: [EXTERNAL] 29/OFF/002/26 - General Distributors Limited

From hawkesbay.AHPU <hawkesbay.AHPU@police.govt.nz>

Date Tue 03/03/2026 12:27 PM

To Sue J. Fraser <suejf@hdc.govt.nz>; Janine Green <janineg@hdc.govt.nz>; Dina Rykers <Dina.Rykers@hbdhb.govt.nz>; Frontline File Management <FrontlineFileManagement@police.govt.nz>

Cc WYLIE, Raymond <Raymond.Wylie@police.govt.nz>

 3 attachments (6 MB)

29OFF00226 Application for Off-Licence General Distributors Limited.PDF; 29OFF00226 Application for Off-Licence General Distributors Limited - Plans.PDF; 29OFF00226 Application for Off-Licence General Distributors Limited - Supporting Documents.PDF;

Police have enquired into the attached application and **oppose**.

Grounds for opposition:

105(1)(a) The object of the Act. Flaxmere is a vulnerable community with two off licence liquor outlets in close proximity to this supermarket.

105(1)(e) The design and layout of any proposed premises (s112-114). Police share the concerns of the Medical Officer of Health and the Licencing Inspector in regard to the location of the single sales area within the supermarket.

105(1)(j) Whether the applicant has appropriate systems, staff and training to comply with the law. The company Directors and Shareholders reside outside of Hawkes Bay. There are no duty managers listed on the application.

Frontline File Management, please enter to NIA and assign to: HB Area HQ-Rural Response-Case Completion-DPX309.

Regards,

David Power
Constable DPX309
Alcohol Harm Prevention
Hawkes Bay Police

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1/3

Secretary of the District Licensing Committee
Heretaunga Hastings District Council, Private Bag 9002, Hasting 4156
Email: janineg@hdc.govt.nz
Cc: suejf@hdc.govt.nz

**OBJECTION TO APPLICATION FOR NEW OFF-LICENCE
Woolworths Flaxmere, 4 Swansea Road, Flaxmere**

1. I am very concerned about alcohol-related harm in Flaxmere.
2. While I recognise that supermarkets provide a valuable service, I object to the application made by **General Distributors Limited** ('Applicant') for an off-licence for premises situated at 4 Swansea Road, Flaxmere, to be known as 'Woolworths Flaxmere' ('Premises'). I object on all grounds under section 105 of the Sale and Supply of Alcohol Act 2012 ('Act') and particularly as follows: -
3. **Proliferation / Amenity & Good Order:** There are already several off-licensed premises within a 500m radius of the proposed site and many more in nearby Hastings. The local community is already affected by alcohol-related harm that flows from existing outlets. I believe that the grant of this licence will cause more harm and will have a negative impact on the amenity and good order of the area.
4. **Proximity to Sensitive Sites:** The proposed Premises will be close to homes, schools and early childhood centres, parks and recreation facilities, healthcare services, places of worship, and other important community spaces. I do not believe the requested licence should be issued close to these sensitive sites.
5. **'Vulnerability' in the community / Suitability:** Many members of the local community are especially vulnerable to and/or disproportionately affected by alcohol-related harm. I am concerned that the Applicant has not considered the impact of this licence on the community.
6. **Systems, Staff, & Training / Suitability:** Especially in light of compliance issues at other premises it operates, I am concerned that the Applicant may not have appropriate systems, staff, and training to comply with the law. I also note that the application does not include any information about duty managers or other personnel proposed for this premises.
7. **Local Alcohol Policy (LAP):** I am concerned that the application as submitted may be inconsistent with the Heretaunga Hastings District Council LAP.
8. **Days & Hours:** I believe the proposed licensed hours (Monday to Sunday, 9.00am to 9:00pm) are unnecessarily long and are inappropriate in this location.
9. **Design & Layout:** My concerns about the Premise's design and layout relate to issues such as the site's location in an alcohol-ban area; the single alcohol area's size and position within the store; the amount of shelf-space devoted to alcohol; and the exposure of shoppers to alcohol displays, promotions, and advertisements. I also note that the required building and planning certificates do not appear to have been included in the application.
10. **Suitability / Extended suitability:** In addition to the issues highlighted above, I have a number of reservations about the Applicant's suitability. For example:
 - The application does not explain how the Applicant intends to compete with the alcohol outlets already serving the Flaxmere community. I am concerned that the grant of this

licence will result in price cutting/price wars, more aggressive marketing, and greater alcohol-related harm.

- It is unclear how the Applicant can ensure that alcohol is a complement to a customer's food and grocery purchases, rather than the sole purpose of a customer's visit to the premises.
- The Flaxmere community is scarcely mentioned in the application. I did not see any assessment of current or potential issues in the area, and there is nothing to suggest that the Applicant has engaged with local stakeholders about the proposed licence.

I understand that where a community or locality is 'vulnerable' (i.e., experiences high deprivation and/or high levels of alcohol-related harm), the threshold for establishing suitability is higher. The 'extended' definition of suitability requires applicants to demonstrate an understanding of the locality in which their premises will be situated; to show their awareness of potential problems that may be associated with the premises; and to explain how they will address those problems. There is little in the application to demonstrate that the Applicant satisfies these criteria.

11. **Object of the Act:** I do not believe that the grant of this licence will meet the object of the Act. That is, it will not ensure that the sale, supply, and consumption of alcohol is undertaken safely and responsibly and that the harm caused by the excessive or inappropriate consumption of alcohol is reduced to the smallest possible degree.
12. While I strongly oppose this application, should the District Licensing Committee be minded to grant the licence, I ask that all relevant discretionary conditions in the Heretaunga Hastings District Council LAP be applied.
13. **I wish to speak** to my objection at the hearing.

Cath Healey